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ABSTRACT

A number of research seminars were organized to clarify the fundamental principles underlying local, regional, and international efforts to establish a structure for monitoring and promoting children's rights. This book contains papers presented at these seminars by experts on child advocacy, promotion of children's interests by children, and children's knowledge and views. The 14 papers presented are: (1) "The Search for the Achilles Heel: Monitoring of the UN Convention on the Rights of the Child and Its Implications for the States Parties" (Eugeen Verhellen); (2) "Working for the Rights of Children in Norway" (Malfrid Grude Flekkoy); (3) "Activities of the German Society for the Protection of Children: Establishing the Office of the Child Commissioner in the Federal Republic of Germany" (Walter Wilken); (4) "'Baby Kissing' or a Real Policy for Children?" (Ludwig Salgo); (5) "French Public and Private Initiatives Contributing to the Implementation of the Convention on the Rights of the Child in France" (Jean-Pierre Rosenczveig with Annie Bouyx); (6) "Out of the Mouths of Babes," on the difficulties of implementing the Convention on the Rights of the Child (Judith Ennew and Virginia Morrow); (7) "Do the Rights of the Child Bring Childhood from the Periphery to the Centre of Society?" (Marjatta Bardy); (8) "Ways of Presenting Children's Lives and Activities" (Jens Qvortrup); (9) "Policy for Children: The Situation in Norway" (Per Egil Mjaavatn); (10) "Children or Youth Town Councils" (Evelyne Lebault); (11) "The Conference 'Voices of the Children,' A Participation Project of and for Children" (J. J. Voeten); (12) "Children's Express: By Children for Everybody" (Robert Clampitt); (13) "Working Children: Leading the Struggle to Obtain and Defend Their Own Rights" (Nelly Torres); and (14) "The United Nations of Youth" (Jeroen Keppens). (TJQ)

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CHILDREN'S RIGHTS:

MONITORING ISSUES

editors
Eugeen VERHELLEN
Frans SPIESSCHAERT

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Eugeen VERHELLEN

and

Frans SPIESSCHAERT (Eds.)

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PREFACE

According to the provisions of the Convention on the Rights of the Child, responsibility for implementation lies with States Parties themselves. And though, formally, it is the States Parties which are also responsible for reporting to the Committee on the Rights of the Child, monitoring implementation of the Convention could reasonably be described as a task for *us all*. This is demonstrated, inter alia, by the fact that the Committee on the Rights of the Child expressly welcomes information from individuals and NGO's.

Thus monitoring can be regarded as a collective responsibility for us all. Setting up *monitoring structures*, however, i.e. working out a mechanism and setting up a body, remains an important *guarantee* to ensure monitoring actually takes place and is sustained. The existence of the Committee on the Rights of the Child is the international expression of this guarantee.

Taking this reasoning a step further, it seems to us that efforts have to be undertaken *at every level*, locally, regionally and internationally, to establish this structure, i.e. to set up bodies, with a broad base in society, whose task is to monitor and *promote* implementation of children's rights.

Looked at in this way, it is evident that monitoring must become a wide-ranging activity. It is equally evident that the fundamental principles underlying this activity must be clear to all, from the outset.

This is why the University of Ghent Children's Rights Centre, together with the King Baudouin Foundation, decided to organise a number of research seminars, whose basic material was to be provided by eminent *experts* on child advocacy, promotion of children's interests by children and children's knowledge and views. This book contains the papers presented by these experts to the seminars that took place in the Spring of 1991. These are texts by M.G. Flekkøy, L. Salgo, J.P. Rosenczveig, J. Qvortrup, J. Ennew, M. Bardy, P.E. Mjaavatn, R. Clampitt and others.

Eugeen VERHELLEN
Frans SPIESSCHAERT

Ghent, March 1, 1994

THE SEARCH FOR THE ACHILLES HEEL

MONITORING OF THE UN CONVENTION ON THE RIGHTS OF THE CHILD AND ITS IMPLICATIONS FOR THE STATES PARTIES

Eugeen VERHELLEN

On November 20th 1989 the UN General Assembly unanimously approved the Convention on the Rights of the Child. On 2nd September 1990, less than a year later, it entered into force, having been ratified by the required number of States Parties (20) pursuant to article 49. 1. At the moment the Convention has been ratified by more than tree quarters of the states in the world. In accordance with article 43. 4 the Committee on the Rights of the Child, to be appointed to monitor implementation of the Convention, had already been established by 27th February 1991. It is unique in the annals of human rights instruments for adoption to be unanimous, ratification so rapid and the number of States Parties so large. It is therefore reasonable to assume that there is broad consensus in the international community starting to take seriously the position of children in society. In other words, although the Convention is a victory in itself, it is also the starting point for more work to be done.

It is a victory because, after much effort, the international community managed to encapsulate respect for children in a legally binding text. The moral obligation deriving from the former UN Declaration on the Rights of the Child (1959) has now become "hard law". The rights included in the Declaration "in the best interests of the child", which essentially afforded protection, were restated in a much clearer form and some of them became directly applicable. Moreover, children were no longer considered incomplete human beings (not yets), they were recognised as fully-fledged persons, as meaning makers able to make sense of things for themselves. The Convention takes the first modest steps towards recognition of children "people". Although in the preparatory work the fundamental question of whether human rights also apply to children never got a straight answer, it is extremely significant that the question was repeatedly put. And it is even more significant that a number of universal human rights were actually included in the Convention. Thus the Convention guarantees not only respect for "the best interests of the child" but also certain fundamental rights. In both content and form, therefore the Convention is a victory in a justified struggle for emancipation.

For various reasons, the Convention is also a new starting point. The reason which is of most interest to us here is that although formally the Convention as a human rights instrument has the force of law, nevertheless for various reasons its actual legislative content is extremely limited. This being so, putting a proper mechanism for monitoring the Convention into operation constitutes an enormous challenge. We do not call this the Achilles heel of the Convention for nothing. What is monitoring and how it will work will provide an important test of the willingness of States Parties to take the issue of respect for children seriously.

What is monitoring all about? According to article 43 of the Convention a Committee on the Rights of the Child shall be established "for the purpose of examining the progress made by States Parties in achieving the realisation of the obligations undertaken in the present Convention". Article 43 states furthermore that the Committee shall consist of 10 independent experts of high moral standing and recognised competence, who will serve in their personal capacity and not as representatives of a government or governmental organisation. Every State Party can nominate one candidate. Within two years of the ratification of the Convention, and thereafter every five years, States Parties undertake to submit to the Committee reports on the situation concerning children's rights in their country. The Committee may request further information from States Parties, it may ask for studies to be undertaken on specific issues relating to the rights of the child, or request assistance from the specialised agencies of the UN and from NGO's.

Article 44 gives a comprehensive description of the reports States Parties have to submit. Paragraph 6 of this article, which requires States Parties to make their reports widely available to the public in their own countries, is particularly important. This text follows on from article 42, the "know your rights" article , which requires States Parties "to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike". In other words, it is not only important to know whether children's rights are being infringed, but the Convention also makes the assumption that familiarity with the rights of children is the best possible protection against such infringements.

The crucial importance of the reports States Parties have to submit is there for all to see. There are, however, two important questions which need to be answered. The Child in Society project group of the King Baudouin Foundation has attempted to do so.

First of all, the content of the reports. What will they be about? One would expect there to be an easy answer. This is however not the case. It has been pointed out before, and the texts which follow confirm this, that we know very little about children. First of all we know very little about how children interpret events and how they make sense of things. Research on this is still in its infancy. Moreover there is little or no simple demographic data on children and how they relate to each other, and the knowledge we do have is often out of date. Most countries still have to carry out the task of establishing an ethnography of children.

Secondly, we have to ask how and by whom the report will be written. There is in fact the formal problem of being "judge and jury". Not all provisions of the Convention grant rights to children directly. Many contain States' obligations to children (and their parents). This distinction is relevant because different forms of monitoring are required. The problem is caused by the comprehensive nature of the Convention. The comprehensive nature of the Convention gives rise to one or two difficulties, in that in this one instrument we find both political and civil rights (the so-called first generation of human rights) and social, economic and cultural rights (the second generation). These generations are different in nature, as is the part played by the State in each case. The first generation imposes a passive role on the State: it must abstain from interfering in the lives of citizens. If it fails to do so, the citizens can take a complaint to a national or international court. Some international conventions con-

tain not only the right of individuals to complain but also an interstate complaints procedure. The second generation of human rights requires the State to take action to improve the social, economic and cultural living conditions of its citizens.

Both generations of human rights being present in the Convention, we also find a mixture of both roles. This makes monitoring more complex. Hence the importance of pointing out the existence of the "judge and jury" phenomenon, which is not immediately apparent. It is easy to imagine what would happen if States (i.e. civil servants) were allowed to write their own reports. And interdepartmental co-operation consisting merely of haphazardly stapling together documents from different ministries will not do either. This would make a farce of the comprehensiveness principle of the Convention which does not allow for distinctions between rights or the establishment of a pecking order. In the spirit of the Convention all rights are equally important and even interdependent. In other words one right has no raison d'être without the others. From this point of view the importance of this phenomenon of "judge and jury" should not be underestimated.

Both form and content of the report will therefore have to meet certain minimum quality requirements. In general it would be best if, by analogy with the International Committee on the Rights of the Child, there were a Committee on the Rights of the Child in every State Party. This committee could then function independently or as a full subcommittee of a national human rights committee. Furthermore it would enhance policy consistency on children's rights if this committee also had branches at local level.

Of course the way the committee is set up, its composition and the way it functions would have to meet a number of quality requirements, on which the "authority" of the committee depends.

All of this to make it clear that the report is not only a touchstone for the Convention, it is also the best instrument for keeping the Convention alive. The Convention is not only there because children's rights are infringed (the defensive/reactive point of view), but principally to ensure (greater) respect for children (the offensive/pro-active point of view).

The efforts of the King Baudouin Foundation project group to examine these quality requirements is to be welcomed. A number of seminars have been organised to further understanding of present practices and of the insights already achieved. Over the last few decades quite a lot of experience has been garnered, but so far no one has made an effort to order the data systematically. The seminars were an attempt to do so on the basis of 3 themes.

First of all we have the experience of existing proactive initiatives designed to improve children's social position. *Child advocacy* is the kind of initiative we encounter most frequently and it corresponds closely to the spirit of the Convention, the interests of the child being the first and most important principle. It was the subject of the first seminar.

What is in the interests of the child can differ from place/time to place/time. It all depends on the *child-image*, the view the person concerned has of children. Because of their fundamental importance, the image of the child and its influence on children's rights was the subject of the second seminar.

A fundamental change occurring in the image of the child is that there is an evolution towards greater assertiveness and *participation* on the part of children. Hence the subject of the 3rd seminar: initiatives on participation.

The proceedings of these seminars, and the Child in Society project group conclusions on motivation, functions and quality requirements are to be found in this book.

The reader will see that the project group has worked hard to justify setting up a permanent structure to study children and their situation, and to link that structure to the mechanism for monitoring the Convention on the Rights of the Child.

The important thing is that the project group, in line with article 1 of the Convention, has looked upon children as a social phenomenon, a social stratum with a clear social position and legal definition. In this way it is possible to have a full picture of all factors determining children's present weak structural position. Because of this weak position traditional mechanism such as the right to vote, lobbying, use of the market place mechanism, etc. do not work for children either. Children's specific social position means they need a new, more differentiated system to look after their interests and to monitor their situation. The State as such has to take into account many interests, which are not always consistent with or may even be contradictory to the interests of children.

It also became very clear that children first and foremost want to be respected and to be treated as fully-fledged human beings. The right to be respected and to full citizenship is however still not the standard. Children feel an urgent need to have their say in the social debate, but most of the time they have the feeling they are not being listened to by adult society. It is children's experience that they are not taken seriously in many areas because they lack the kind of formal power derived from the right to vote or the fact of paying taxes. It is also assumed they are not yet equipped to deal with "serious" matters. In this respect, the project group feels special attention should be paid to children's specific qualities and to the fact that having a respected position in society matters greatly to children too.

There are a variety of tasks for a national (and local) *standing monitoring structure*, the primary and most general job being to promote "children's issues".

The monitoring structure will also have a structural function, covering both the substructure and the superstructure. In other words, there is not only a need for legislative change, but also for changes in culture, mentality and individual attitudes. The philosophy which is reflected in public opinion is extremely important when it comes to improving children's living conditions. Disseminating information and expressing well-founded opinions are the best ways of influencing public opinion.

However, legislation should not be neglected, since in our culture legislation is considered *the* instrument for influencing living conditions. Besides the activities already mentioned and making concrete specific policy proposals, lobbying is an important supplementary means of influencing policy measures and legislation. Legislative changes are needed to enhance children's access to justice and to put them in a position to defend their own rights and to be heard. Whenever changes occur, the reasons for them should be publicised.

In the framework of the structural function of the monitoring structure, promoting

legal protection for children and putting children in a position to really exercise their rights are also major priorities. The fact that children can now personally exercise their rights is an innovation in this Convention, but doing so in reality requires a degree of knowledge which children often still lack.

The structural function's separate elements are interactive and interdependent.

The provisions of the Convention are abstract, which makes it read like a declaration of intent. The Convention itself does not hint at the background of social contradictions against which it has to be implemented. Implementation however renders these tensions visible. Proper implementation will therefore require a good deal of effort. A standing monitoring structure would also have the task of permanently underlining this arduous social obligation.

First and foremost the monitoring structure has to be the authentic *voice of the children* and not just a voice speaking up for children. As a structural entity children are as much a part of society as any other group. And yet a child is almost always seen as someone who is "on the way to" integration in society, the society of adults. If children are to be considered a structural entity , a number of shared living conditions have to be found which characterise the group as such. Because of their different social roles, adults and children would still have different group views even if the difference in power between them disappeared. However, while the concepts and views of children would be different from those of adults, they would no longer be considered inferior. Hence we have to ask ourselves how children can possibly be involved in the struggle for their own rights in a social context in which it is assumed that children are there "to be seen but not heard". Methods have to be developed to enable children to tell their own story in their own words.

One of the most important tasks of the monitoring structure will also be to *support parents*. In the end, anything that can be done to increase parents' efficiency as parents will be of benefit to children.

The monitoring structure has *to act on the basis of principles*, rather than on a case by case basis. In this context individual cases can be dealt with and lessons learnt with when relevant for all children in similar circumstances. An approach based on principles means not getting bogged down in individual controversies. It follows that children's interests can best be monitored as those of a group.

The monitoring structure has to ensure *all relevant levels of decision making* are covered. Many problems are the same throughout the world, but for the time being there is very little policy making for the world as a whole. Maybe the Convention can be seen as an urgent appeal to start working world-wide.

If the monitoring structure is to carry out all the functions described above, according to the conclusions of the seminar, it will have to meet rigorous *quality requirements*.

- Article 44.6, which requires States Parties to make their reports available to the public in their own countries, is meant to give monitoring solid social foundations to build upon. The *development of networks*, which must be seen as an important quality requirement, is encouraged by this provision. Networks, both of children and of adults for children, are of the utmost importance to ensure

attention to the rights of children does not falter, and to undertake action to promote them. Networks are essential sources of information. They are a support framework for individual initiatives and a means of making contacts quickly and efficiently. Children must have the opportunity of sharing their experience with other children from their own and other cultures.

- At the moment the struggle to obtain a better position for children is receiving a lot of attention in our society. The subject of "children's rights" has gained considerable importance. As I have said before, a great deal of experience has been acquired through a number of initiatives taken by adults to promote children's position. Sound monitoring practice will require taking the *results of child advocacy* initiatives into account.

- It has to be stressed once again that the way we look at children has an enormous impact on both the way children's rights are given shape and the way we judge changes in child policy. Our view of children determines what our actual reaction is in an actual situation. In the West the image of the child appears to be evolving considerably. Hence the urgent need for knowledge on children as a social category, and on children's views. *The study of the child* will therefore be another quality requirement. The monitoring structure will have to answer a number of difficult questions: is the child a person with legal rights or is it the object on which others carry out their wishes and exercise their power? Does society have to consider the child as a being which needs protection or as a partner with full rights of participation? Is it not so that all citizens need protection, without this being used as grounds to deny them the right to participate? The right of children to protection and well-being has no consequences for the balance of power between children and adults, but their rights to freedom has. The way we give shape and form to children's rights will therefore have to be explained and motivated carefully.

- The evolution in child image towards greater assertiveness and more participation is also apparent in increased attention to the views and feelings of children themselves. People in high places in society will have to start thinking about the need for *children's participation*. The experience acquired by children in their own organisations will also have to be used by the monitoring structure.

The UN Convention monitoring mechanism can only function effectively as an implementing tool and can only make a real contribution to a fully fledged position for children in society if it operates the 4 basic strategies of ombudswork I have mentioned above. These 4 strategies must therefore be considered important quality requirements.

In addition to these general quality requirements, the project group set up by the King Baudouin Foundation also mentions a number of *specific quality requirements*, such as defined status for the monitoring structure, continuity, authority and credibility, objectivity, independence and accessibility. It recommends that its work must be comprehensive in nature, purposeful and responsible and that the monitoring structure must have wide powers. Furthermore, it must keep in mind its relationship with the press, be realistic in the views it expresses and attach importance to international co-operation.

All these quality requirements are the outcome of research in various fields, and from different points of view proving important basic knowledge for the future. What we need now is more applied research in a specific national context to ensure responsible choices are made concerning the model to be followed. We have different monitoring models available to us. For instance in Belgium there are examples of Parliament-based initiatives, or a Royal Commissioner and a High Commission, and there are other initiatives which have no government link at all. First of all we need a full list of all the possible models, based on existing practice. Every model must then be screened and its advantages and disadvantages considered on the basis of the quality requirements. Only when this work has been done will it be possible to choose the most adequate model.

To choose the right model more research is required, but for the monitoring structure to be actually set up what is needed is *political will*. It is consequently vital for the relevant decision makers to be informed of these quality requirements, in order for them to be able to act with authority.

Working for the Rights of Children in Norway

Målfrid Grude Flekkøy

After serving 8 years as Ombudsman for Children in Norway, I was asked by UNICEF to analyze the experience in relation to the increasing interest in monitoring mechanisms growing out of the new Convention for the Rights of the Child. How, then, can the experiences of the Norwegian Ombudsman be helpful to other countries?

Conditions for many children are similar to conditions in Norway, even if the composite pattern of problems are not identical. This depends on many things, not least on each country's efforts to solve them. Most countries have e.g. a better coverage of nursery-schools and kindergartens than Norway, while few countries have better rules for leave with pay after the birth of a new baby, although a few countries, e.g. Sweden and Austria, are stronger on these issues. The total picture cannot, therefore, be transferred from country to country. But the elements still remain the same, at least in countries where children are not starving or dying from preventable diseases or as victims of war and where they have reasonable opportunities to get an education. Family patterns are changing: Few families have more than 1 or 2 children, both parents are working outside the home, the number of single-parent families increases, although this is a complicated issue. An increasing number of families in industrialized countries are living below the poverty-line, due to unemployment. Many more neep help from social welfare, due to rising prices of housing and basic food, and an unknown number of children are malnourished. The problems of teenage antisocial behaviour, abuse of drugs and alcohol, school drop-out and unemployment are well-known in many parts of the world. Less visible are the rising suicide-rates, the increasing need for professional help for psychological problems, and the deepening depression amongst young people. And hardly seen at all is the universal disregard and neglect of children's needs in many connections and of their opinions and rights even where there is no real reason for such neglect.

There is one consequence of the changing population patterns which is rarely mentioned: In Norway children now constitute 25% of the total population. In 20 years children will, given a stable birthrate, only constitute 15% of the population, with an enormous increase in the population of elderly. The average age of politicians may very well increase, also because the elderly can do two things that children can not do: They can vote and they can be elected. So politicians will be very concerned with the problems of the elderly, knowing that they have parents who are now 80, 90 even 95 years old and need care, and well aware that they themselves will need services for the elderly as their next step. I do not say this against the elderly, but to point out one additional reason for why we need strong voices for children. The Convention gives us another new reason to increase our surveillance of conditions for children and to keep on raising issues important to children and their families.

WHY AN OMBUDSMAN FOR CHILDREN?

The needs of children, as individuals and as a group, must be met, for the sake of the children as well as for the sake of the future of our world. Working for the rights of children, we must keep in mind special characteristics of children as a group within any society. Children as a group have their own particular needs, which must be respected – as needs of other special groups should be, – and many require special measures. In addition children as a minority group have three characteristics, shared in a democracy by no other group:

1. Children have no influence on the choice of persons or composition of bodies responsible for decisions concerning or influencing conditions under which children grow up. Since children cannot vote, they have no way of ensuring that the "right" political party or a particular candidate or special issue is on the slate or elected to serve on municipal, county, state or national governing bodies.

2. In contrast to children, adults have other means as well as the vote of swaying public opinion. Radio and television, newspapers and magazines are channels through which adults can make their views known and provoke public debate. If they do not want to do this individually, organizations serve as pressure-groups or lobby-ists on the behalf of their members. Children very rarely have any chance of using these possibilities. Even when they do, the mass-media language, interview techniques and information-levels are not suited to children's ways of thinking and communicating.

3. Legislation concerning the rights of children, while improved over the years, is still weak as compared to legislation governing the rights of adults. The main weaknesses certainly differ nationally, even locally, in the degree to which they apply, but I believe we can find these weaknesses everywhere, – namely that the rights of children are often

    a) indirect, i.e. the right is given to an adult (often the parents) on behalf of the child, or

    b) conditional, often in the sense that the right is only valid under certain conditions, e.g. that funds are available or that the parents are willing to cooperate to ensure the right of the child, – or

    c) non-existent even in connections where adults, under very similar, even identical conditions, have clearly stated rights, and where there is really no reason why similar legislation should not apply to the younger generation.

These considerations were the main reasons for establishing the Ombudsman for Children in Norway in 1981. Recent history had brought the Ombudsperson for the Equal Status of Men and Women following the International Year of Women. The first proposal for an Ombudsman for Children was published in 1968, but gained momentum following the International Year of the Child in 1979. The Act creating the Ombudsman Office for Children was passed by the Storting (Parliament) in March 1981, with a very narrow 5-vote majority. Reservations were principally confined to three areas: first, that the Ombudsman would threaten parental authority;

second, that the existence of an Ombudsman might provide an excuse for other organisations and services for children to renege on their own responsibilities; third, that funds thus allocated would be better spent on strengthening existing children's services. These arguments are no longer heard in Norway, but I mention them because they are now being used in discussions about "watchdog" mechanisms for children in other countries.

In creating the Office, Parliament gave official recognition to the necessity and legitimacy of child advocacy, – no small gain in itself. One might ask immediately "Why an Ombudsman for Children? Why not incorporate children in the responsibilities of the other Ombudsman Offices?" The Ombudsmen for Public Affairs, for Equal Status for Men and Women, and for Consumer Affairs are responsible for cases involving children. But the interests of children include so many areas, so many other issues, that the existing Offices could not cover the whole field. Nor could we then have a total view of conditions for children, enabling us to see the dynamics of the whole problem area.

Unlike the Ombudsman Offices for Equal Status of Women and Consumer Affairs, the Ombudsman for Children is not responsible for any single law or sets of laws. Its purpose is to "promote the interests of children vis a vis public and private authorities, and to follow up the development of conditions under which children grow up" (Act of the Commissioner for Children § 3). The only prohibition is on handling individual conflicts within the family and cases which have already been brought to court.

In the role of "watchdog", the Ombudsman for Children must keep an eye on all areas of society, signal any development that may prove harmful to children's interests, and propose changes designed to improve their conditions. In particular, the Ombudsman must be alert to the consequences and implications for children of any part of Norwegian legislation and regulations. The full range of duties and responsibilities of the Ombudsman were laid down in a set of Instructions issued in September 1981. The Office wields no decision-making power, nor does it have the right to revoke the decisions of other authorities. Advocacy via the spread of information and documented case presentations are therefore its principal weapons. The Office seeks to increase public knowledge and change the opinions and attitudes of others in such a way as to improve the situation of children.

THE PRACTICAL FRAMEWORK OF THE OFFICE

The Norwegian Ombudsman Office was unique in the sense that Norway was the first country in the world to have such an Office. The Office was established by Parliament in March 1981, the first Ombudsman appointed by the King (Cabinet) in August 1981 and reappointed in 1985. The second person in Office took over September 1, 1989. No person can serve more than a total of eight years. The Office had a total staff of 4 people, an annual budget of approx. 300.000 US $, for 1988, one staff member per million Norwegians or one for every 250.000 child at an annual cost of 25 cents per child. One important lesson was, therefore, that results can be achieved even on a low budget.

The staff was increased to 5,5 in 1990. The budget was increased by 25% in 1989 and again by another 25% in 1990. The expansions indicate the increasing recognition of the usefulness, the professional status and the popular standing of the Office.

There are several intriguing questions to ask about the Office. Why and Ombudsman and not other ways of working for children? What are the advantages – and disadvantages – of such an Office compared to other methods or strategies? Has the Ombudsman Office worked, – i.e. what kind of results – or lack of results – can be indicated? Are the interests of children more widely recognized and taken into consideration in 1989 than in 1980? Should other countries have an Ombudsman for Children?

Some of these questions are very difficult to answer. Comparisons with other ways of working for children must take into consideration many national or local factors, e.g. the size and population of the country, its political structure, culture, traditions and values, the organizational activities and power of such organizations. Norway has 4 million inhabitants, a strong democracy, and very few organizations working for children, while e.g. Denmark, a small, strongly democratic country, with traditions very similar to ours, has, it is said, 120 organizations working in some way or another for children.

HAS IT WORKED?

Evaluating the Office, it must be recognized that other forces are at work too, e.g. the economic situation within a country or within local communities, which in Norway means that it is far more difficult to provide for the needs of children now than it was 10 years ago. Child advocacy is even more important now, but such factors must be considered in any evaluation of efficiency, in addition to the mere size of the Office itself.

8 years is not a very long time and the legislative process is a long one. Changing attitudes and general opinions takes even longer.

Achievements of an office like the Ombudsman's cannot be measured quantitatively. It is also difficult for others to evaluate the effort, the need and therefore the achievements involved in change, because these must be seen in relation to prevailing conditions within a country. The gradual, but small increase from 22 to 26 weeks of paid leave after the birth of a child would seem very insignificant indeed to the Swedes, – who can stay at home with pay for 18 months, but definitely striking to Americans, who have no such rights at all. Neither Swedes nor Americans have any idea about the ease – or difficulties involved to obtaining this gain.

There is no doubt that the Ombudsman has been of help in many of the individual cases. Particularly the children who asked for help will often call back to report. Political bodies do not inform the Ombudsman of the outcome of a case nor of the use made of information or opinions. Newspaper clippings may indicate the impact of the Ombudsman's intervention, but this information is incidental. With a total staff of 4 people, the Office did not have the capacity to investigate or follow up all cases. On the national level it is easier. Legislative amendments take time, but are reported in the

mass-media. Also, I was frequently invited to give opinions in committee hearings, political groups or to individual Parliament members, thus also being warned of debates to come, issues raised in Parliament on the initiative of the Ombudsman. Also, Parliament demonstrated great awareness in the Budget debate in 1988: the Budget *proposal* contained an increase of 20% from 1988 to 1989, but Parliament increased the total by 25%, – in a period where the greater number of budgets were reduced.

Bearing in mind that the Office of Ombudsman had to overcome initial scepticism about its value and potential effectiveness, the first aim was to establish for the Office a permanent status and a public image. A public opinion poll carried out in November 1989 showed that 74 per cent of a random population sample (all over 15 years of age) knew about the Office; 83 per cent of these felt that the Office was useful and that it should continue. Only 2 per cent felt that its continued existence was not justified.

Eighty to ninety per cent of voters for parties opposed to the Office of Ombudsman in 1981 now support it. There is no doubt that the Ombudsman for Children is considered permanent.

As in many other countries, there are two views on the use of legislation. According to one view, legislation can be used to promote initiatives, change attitudes and increase the responsibility of decision-making bodies in some way or other. According to the other view, some types of legislation are worthless unless other conditions, e.g. economic possibilities for implementation, are also available.

It is, of course, impossible to know what changes would have come had the Ombudsman not existed. But there is clear public recognition to the role of the Ombudsman in achieving the following measures, all characterized by the fact that they create no drain on public funds:

1. Legislation prohibiting physical punishment and physical and psychological treatment threatening the physical or psychological development of children. This prohibition includes parents, – but does not involve penalty – but treatment – unless the parental behaviour is so harsh that the case must be tried according to the Penal Code.
2. Restrictions imposed on the distribution of videogrammes
3. New regulations concerning the rights of hospitalized children
4. Raising the age at which young people can be tried and sentenced by adult courts and imprisoned in adult prisons
5. Building regulations for safe housing and accident prevention in the homes
6. Regulations for child safety in automobiles
7. National, governmental guidelines for taking the needs of children into consideration in all urban and rural planning
8. Recognition – in legislation – of children's right to know both their parents, regardless of marital status or whether the parents actually lived together at all after the child was born.

Other proposals, e.g. the right of the child to preschool education or to social welfare benefits have not been passed, – nor have they been shelved.

There are, of course, still proposals being considered that I, as the former ombudsman will not be able to pursue, e.g. a Ministry for Children, Youth, and Family Affairs, restrictions on advertisements for and sales of "violence toys", amendments to rules for the treatment of young asylum-seekers and to citizenship legislation. The ultimate goal, namely that the Ombudsman for Children should be unnecessary, is still far away. And the most important effect cannot be measured at all: With the Ombudsman children have a place to go with their opinions and complaints.

WHAT WERE THE IMPORTANT LESSONS?

Which elements made it possible to achieve our results and which seem to apply more or less to many effective monitoring mechanisms?

1. Established by Parliament, based in its own Act, the Ombudsman has official status and is permanent until Parliament revokes the Act, regardless of shifting political majorities.

2. In spite of the fact that Parliament established the Office and provides its annual budget, Parliament cannot instruct the Ombudsman. Nor can any other body, administrative, organizational or individual decide what the Ombudsman can do or how the Ombudsman shall carry out the responsibilities outlined in the Act. The Ombudsman has, by legislative consent, an obligation to criticize any administrative level, any group, organization or person (except parents in their role as parent) disregarding or minimizing the interests of children, regardless of any other considerations. This means that the Ombudsman can raise issues that others, because of prior political loyalties to party positions, are not in a position to raise. A political majority can stall an issue, but the Ombudsman can set in motion a process, so that the issue may be resolved at an earlier date than otherwise possible. The "corporal punishment" rule could not have been raised by members of the Conservative cabinet or the Ministries under its administration. Nor could child welfare workers have done so since proposals from them would have had to go through the appropriate Ministry channels.

   Being free to handle any case or problem in any way considered most effective, the Ombudsman can alert a Cabinet member, Parliament members or top-level officials, letting an issue sift down to the uppermost possible level of consideration. Opinions and statements may also be distributed widely to the mass-media, irrespect of political consent, – informing the public and creating difficulties for politicians and decision-makers wishing to disregard the interest of children.

   In one case, demands for better physical conditions for the pupils in a school had been circulated through ten local and national agencies before reaching the Ombudsman, who sent the problem to a Cabinet member. It was passed back and forth between various Ministries until the Ombudsman intervened again, requesting a Member of Parliament to address the problem by asking a parliamentary question.

   In other cases opinions on confidential proposals (e.g. from a Ministry) could be reformulated and presented to the press without mention of the proposal, in an effort to sound out opinion and to project an alternative point of view.

3. The right to relieve others of their oath of confidentiality combined with the Ombudsman's right to protect sources of information.
4. The absolute rule against handling individual cases of family conflict which also means that the Ombudsman cannot serve as a court of appeal for any other institution dealing with family conflict. The Ombudsman does, however, deal with the principle issues involved, such as procedures in divorce, the child's right to have his own spokesman in court, the need for pre-divorce counselling, the child's right to two parents etc.
5. Finally, and most important, the Office has – and must have – the interest of the child – and no other interest – as the starting point, the focus, and the goal of its work. The Ombudsman is thus not suspected of serving any other purpose, particularly since the Office has no obligation to balance the interests of children against other interests, e.g. of the elderly or to balance budgets on any level.

Important implicit guidelines in the work of the Ombudsman have been:

The need to be realistic: Ideal solutions may be unobtainable, and will not sway public opinion if obviously unrealistic. The statements of the Office must be based on factual knowledge, not hearsay, feelings or private opinions.

The avoidance of political opinions, in the party-political sense. All opinions are political in the sense that they concern child-policy. Particularly in cases where there is no clear empirical evidence for what is really in the best interest of the children, the ombudsman must be careful. Humility is not failure, – not knowing is not a sin. Presenting opinions not based on cross-professional knowledge – particularly with the authority of the Office- would rapidly weaken the influence of the Office. This does not mean that the Ombudsman cannot give an opinion on issues that turn out to be politically inflammable. The question of anonymous donors in artificial fertilization was one such example, – where the ombudsman gave an opinion none of the political parties agreed with. The question of legislating Lutheran Protestant religious education in all nursery schools and kindergartens was a similar example. On the other hand pointing out what needs to be done for children does not necessarily involve political choice. All children need peer-group experience before the age of seven might be one such statement. But while the availability and content of preschool education is important, the Ombudsman refrains from stating an opinion on whether or not nursery-schools and kindergartens should be private or public, – a question of heated political debate in Norway.

The realization that while the interests of children are the prime starting point, many interests of parents are inseparable from the interest of children. One of the arguments against establishing the Ombudsman was the feeling that the ombudsman might weaken the responsibilities and influence of the parents.

My own conviction was quite the opposite: Anything that could be done to strengthen the possibilities for parents in such ways that they can function more effectively as parents will also be beneficial to their offspring. Therefore the Ombudsman has supported or suggested measures such as parental rights for paid leave of absence while children are quite small or when children are sick and stronger measures to help the economy of families with young children. (The Ombudsman has NOT suggested which measures should be used, since that choice is up to the politicians.)

THE MOST IMPORTANT ELEMENTS, TENTATIVE CONCLUSIONS

Looking back and weighing the various principles, some are universally indisputable, e.g. the importance of basing all efforts on the needs of children and nobody else (including parents). Confidentiality is also accepted as a principle world-wide, but the degree to which the extended rights of the Norwegian Office is important will depend on the mandate of the office. The child's right to confidentiality in this connection is only necessary if the service is available to children or deals with personal problems, e.g. in the family. The right to protect sources may have to be weighed against trustworthiness. In some societies information will not be accepted if the sources are not revealed.

The rule against handling individual cases of family conflict was imperative, in the establishment phase to make the proposal acceptable. An office of this kind and size would have been swamped if individual cases could be handled, but most important of all was the conditions this rule created for working effectively without getting too involved in a great number of highly emotional issues.

The importance of autonomy and accessibility/availability were, then, the crucial lessons learned about factors making the Office work. The autonomy of the Norwegian Office was established by law, so it was indisputable. Accessibility was greatly enhanced by the communications-systems and the high literacy rate. The factors made it possible for us, knowing the system, to capitalize on the traditions in the decision-making process of

- using legislation as a tool and
- reliance on multidisciplinary research-based argumentation

for opinions that carried weight within the system. This was imperative to the main way of obtaining results by having an impact on the prevailing attitudes and awareness-level regarding children.

The small size of the country helped: even our little office could have direct contact with a higher number of local communities and could be an active "bridge-builder" between various groups easily identified. The formal and informal contact with political bodies and national administration also was easier for that reason, partly because there is a more limited number of people involved, some of whom moved from office to office, but still were possible to keep track of.

A small nation is in itself not imperative for an Ombudsman for Children Office, although a larger nation might well need a different kind of organization, size and/or mandate for a parallel structure. A multiparty political system might more easily than a one-party system contemplate the establishment of this kind of mechanism, but should not be absolutely essential. As long as the dominant party is willing to listen and to alter its policies for children if the arguments are persuasive, without repercussions to the critics, such approaches should bring results. In any context, but particularly when criticism can be perceived as controversial, the case is much stronger if there is no doubt that the interests being served are really those of children and not the interests of other groups, camouflaged as "for the sake of children".

COMMENTS AND COMPARISONS

Comparing the Offices of New Zealand, Costa Rica (both national), the parliamentarian group of Germany (FDR), South Australia (for one state) and Israel (for the city of Jerusalem) with the Norwegian Office and in terms of the principles of autonomy and availability, the common factor is that all of them have some kind of public authority recognition. All of them have independence, but to a somewhat different degree. At least at present, the German and the South Australian brand are inside the government, which raises the question of whether such structures for child advocacy should be located inside or outside government. Located within government, agencies can be more stable, may have more credibility with government officials, close contacts and an inside view of what is going on, – as compared particularly to private child advocacy organizations. The other side of the coin is, of course, that their accountability to the same officials they should monitor can compromise their neutrality and objectivity. Even though this may not be the case in practical terms, inside agencies are none the less more vulnerable to suspicion that they may be serving other purposes.

A friendly government helps, but the picture might be quite different with local or national political opposition.

In the case of the German Commission it is difficult to visualize this as a measure that will be unhampered by other concerns, particularly party policy interests. The composition, with members of different political views, should to some extent counteract clear-cut party politics, but suspicions of other motives may be difficult to avoid entirely. The importance of this issue depends to some extent on the mandate: Keeping an eye on all Federal legislation does not involve e.g. criticism of even the Federal administration, much less local or "Land" politics or administrative levels. It is in this context interesting to note that in spite of documented success within the system, the South Australian Children's Interests Bureau is in the process of obtaining more independence, by being legislated in a separate Act.

Another difference concerns accessibility, particularly to children, which is an important aspect of the Costa Rican and Norwegian Offices. The South Australian Office and the Jerusalem Office handle individual cases, which the others do not. The accessibility to 'ordinary" children, parents and other adults not directly involved in one of the numerous associations and organizations which may exist is, in my opinion, imperative if an Office of this kind is to serve as a direct link between children and administrative /political decision-making levels, – be a "voice for children" and not solely "on behalf of" children.

Comparisons raise other questions as well:

- What qualifications should such Offices have? Is the use of research essential?
- Should the ombudsman/Commissioner have a fixed term of Office or not?

The answers to these questions depend to some extent on the mandate of the Office. To gain and uphold credibility, factual information about children and their conditions is essential. This is emphasized by the majority of those working in various offices. An independent American study of the Norwegian Office emphasizes the

use of social science research as an important element, even pointing out that a special research arm should be established to strengthen the Office.

The qualifications question can usefully be seen in connection with the question of whether or not to have a fixed term of office. A fixed term has the advantage of making it possible to choose the kind of person wanted in the Office at any given time, according to changing views of what an office like this should do. On the other hand, with a fixed term (or two, with a maximum of 8-12 years in office) a very useful person cannot be kept on. And a fixed term can reduce the number of qualified applicants.

Comparison finally raises the very important question of regional or local offices or branches. The German Commission expects offices in cities and the "Land" level. The South Australian Office is local in the sense that it serves one state, not the entire country, and the Vienna and Jerusalem Offices serve one city. The Costa Rican, Norwegian, and New Zealand Offices are national. This is where the question of the size of the country really may make a difference. The three national offices are all located in countries with around 4 million people. County-level in Norway would mean 20 branches, – but not on a level where the really important local decisions are made, which is in the 450 municipalities. Nevertheless, the counties do have a certain supervisory responsibility in relation to the municipalities, which might be expanded to include Ombudsman for Children functions. One British critic had this view:

> *"...unless the post becomes decentralized replacing a single national office with a number of local offices, then the weakness is obvious; the system can handle only a very limited number of cases (763 in the most recent report) and is dealing very much with the tip of an iceberg."*

The points are interesting, but must be seen within the Norwegian context. Given the same proportion between number of cases and number of minors, the number of cases in Great Britain (with 16 times Norway's number of minors) would have been nearly 15.000 cases in 1988. (It is, of course, much harder to guess how many additional issues would have come up.) In addition to population size, the very good postal and telephone services makes the office available in a way impossible e.g. in a country where hardly anyone has a telephone. Argument against local branches in 1981 was connected with the rule against involvement in family conflict, and the fact that there were already municipal and county services to help with such problems.

Yet, one national office with no local branches may be insufficient. Even with a large staff, the contacts and connections with "problems where they really exist" may then become too difficult. Existing models may in a sense show how a national network could be built up: The West German model indicates one possibility, having started "at the top", but expecting to have branches, presumably reporting to the Bundestag Commission, from cities and "Land"-levels. The South Australian Children's Interests Bureau might conceivably be a step towards a similar structure, starting at the other end, with one local branch. Similar offices might be created in the other Australian States, with a Federal Ombudsman for Children to coordinate the work of the State Offices, propose federal legislation and monitor federal government actions concerning children.

The Inner London Education Authority Ombudsman for the school system project and the Swedish Council for Physical Conditions for Children indicate a possibility of decentralizing by sectors: One ombudsman for education, one for health, one for child welfare, one for rural planning etc. Being restricted in the sense of having a clearly defined problem area can lead to greater efficiency within that area. While this might give highly specialized Offices, the danger of compartmentalization (with water-tight sector-compartments) is obvious and would need to be counteracted by having an "umbrella" Ombudsman Office. One of the advantages of a *less* restricted, particularly national office is the insight into and the possibility to point out connections and interrelationships between various areas and sectors with impact on children, less obvious to a sectorized office.

For true monitoring and rapid effect, the Ombudsman needs to be near the decision-making level, on the municipal, county, region, and/or state level, depending on where the decisions with impact on children's daily lives are really made. However, a national "watchdog" is always needed as well, –because every country has national administration, national politicians, national legislation important for conditions for children, in many cases setting the limits for what can be done on a local level.

INTERNATIONAL INTEREST IN THE OMBUDSMAN CONCEPT

Several international statements pertain directly to an Ombudsman for Children. The most notable, apart from the interest demonstrated by UNICEF, are the recommendation of the Stockholm Statement (Swedish Save the Children Conference, August 1989) to "encourage establishment of the position of a "Children's Ombudsman" in each country in order to promote and monitor child's rights issues as well as keep abreast of international trends" (§ 8, report p. 48) and the recommendation of the European Parliamentary Assembly Committee on Legal Affairs and Human Rights, adopted unanimously by the Council of Europe Parliamentary Assembly 41st ordinary session, February 1, 1990: "to envisage – if they have not done so – the appointment of a special ombudsman for children who can inform them of their rights, counsel them, intervene, and, possible, take legal action on their behalf..." (Doc. 6142, 12.A.e.ii) is reason to do so, but with a restricted mandate.

Both of these support the principle of an Ombudsman Institution, but not necessarily identical to the Norwegian model. Even if the principles of autonomy and availability/accessibility are accepted, there are means of modifying the model to make it more suitable in other cultures.

The Norwegian Ombudsman for Children combines several functions concerning children's needs and rights, which under other circumstances might be separated:

- Receiving complaints and requests from individuals (adults and children) who may be helped directly or indirectly by the Office
- Receiving and giving information, proposals, referrals to and from the local level services and organizations
- Receiving and giving information to and from the administrative branches on the community level, county level and national level

- Communicating information, proposals for changes of procedures, decisions, and rules, regulation, legislation to politicians on the local and national levels
- Keeping an eye on when new legislation is necessary and would be an advantage.

The advantages of combining these areas are evident to me. But in view of surveillance or monitoring conditions for children – or in observation, registration, monitoring or cooperation with the monitoring body of the government, –each country might wish to consider whether or not all these functions are to be combined. In some countries the idea of serving as a direct communication-channel between the children themselves and the top-level decision-makers may seem impossible, e.g. according to prevailing religious law. Leaving out this function deprives the children of that possibility to influence decisions, but does not mean that children have nowhere to go. A child with a problem will often turn to parents, relatives, friends or teachers (who may or may not take the problem elsewhere). They may turn to the local services, including organizations, churches or even lower level courts. So what they may *not* have is a service to turn to when the instances they try either cannot or will not help. The same applies to a certain extent to individual adults, – but they often have other options, such as the courts, the political parties or politicians, other organizations and the mass media. In some countries these needs may be well served by other existing services, or – to the contrary – be the only function of an Ombudsman service a country might wish to provide.

Leaving out the child-to-government-function does not need to mean that an Ombudsman-like function is impossible or cannot be very useful. Even the combination of giving and receiving information and proposals to and the local, county/state and national level is often an innovation, and can give a broader picture of conditions and the feed-back systems between various areas than can be done with information from e.g. state level only.

With a large number of organizations already involved in the work for children, an "ombudsman" need not necessarily be a statutory office established for the purpose. Conceivably a non-governmental organization might be given (by parliamentary decision) a special responsibility to work for the rights of children, in which case it would be an advantage if public funds, with no strings attached, were provided so that the organization would be autonomous and independent of other sources.

In this connection it is also possible to visualize an "umbrella" encompassing a number of organizations. Non-governmental organizations may understandably want to protect their individuality and separate causes. But there can be no doubt that cooperation on many issues would be an advantage. Competition at the expense of effect can be very detrimental. If these organizations could agree on working together, a steering committee could coordinate the work being done by all of them. With such a structure, the steering committee (top of the umbrella) could also propose measures to improve the situation of children and perhaps help monitor the implementation of the Convention on the Rights of the Child.

A "WATCHDOG" AND THE CONVENTION ON THE RIGHTS OF THE CHILD

States Parties, – countries that have ratified the Convention, will have an obligation to report to the Expert Committee on Child Rights, but I firmly believe that the Convention and the need to monitor conditions for children will be important in every country, regardless of ratification. Many countries are considering what kinds of mechanisms they might need for monitoring conditions for children.

The experiences of the Norwegian office can be useful whatever kind of "watchdog" mechanism the country wants.

If a country really wants a watchdog for children, it will be able to find a way. A different approach to analysis comes from looking at the areas of rights covered by the Convention. Although indivisible as a whole and although it is often difficult to classify each article into *one* of the broad areas, UNICEF has simplified understanding of the Convention by pointing out that it covers four broad areas of rights:

- Survival rights, which include such things as adequate nutrition, housing, and access to medical services
- Development rights, which include education, access to information, play and free-time activities, cultural activities and the right to freedom of thought, conscience and religion
- Protection rights, which in addition to the survival and development rights also cover exploitation, cruelty and abuse, arbitrary separation from the family and abuse in the criminal justice system
- Participation rights, which include the freedom to express opinions and have a say in matters concerning the child's life. As the child matures, he and she shall have increasing opportunity to participate in activities of society and to take part in decision-making, in the family, in school and in the widening circle of local community.

In considering systems for efficient monitoring and implementation, a body like the Ombudsman might not have responsibility related to all four sets of rights. Whether a country is an industrialized or developing country should not influence the decision of whether or not a body of this kind should be established, but will definitely have an impact on the kinds of problem the body will be most concerned with. When the problems of children are so overwhelmingly obvious as they are when survival itself is threatened, these problems may not be the first responsibility of an Ombudsman-like body, even though what is done about them by the authorities may need surveillance and proposals for improvements. Under such circumstances it may be less obvious that other rights of children may need a helping hand or that a non-government body might have a defined responsibility to keep an eye on other conditions. So-called "developing countries" can still avoid or prevent some of the mistakes made by the industrialized countries, – mistakes that have created problems for children. A "watchdog" like an Ombudsman might be able to establish measures to prevent such negative consequences of societal development. Also, it might seem that participation rights need extra surveillance. The rights to survival, development

and protection seem obvious to most adults, even when they disagree about the best ways to meet them. But there is a different attitude about participation rights, the child's right to be informed and to have his say in the decision-making process. The possibilities for exercising these rights may be hard to find until there is a more universal acceptance of their importance.

If an Ombudsman (or ombudsman-related mechanism) is to uphold its independence and autonomy in relation to government, this mechanism should not be given responsibility for the national report.[1] The national report must be based on data provided by Ministries, national statistics, etc. But to ensure that the report contains all relevant material, answers key questions, avoids a bias of one kind or the other, it would be very helpful for the government to have an independent institution to collaborate with. This institution can provide the kinds of information needed to provide better services, based on research relevant to children in their own culture and to suggest improvement of structures for development of child-centred policies, parallel to what the Ombudsman for Children has attempted. This will not only help children, but could help families and communities to meet their responsibilities to children.

[1] G. MELTON, in considering how the Norwegian Ombudsman could be strengthened, suggests that the Ombudsman be given this "watchdog" and reporting function. I disagree and doubt whether a government CAN delegate this responsibility to an autonomous office. I do, however, believe that the Norwegian Ombudsman can be very important in monitoring implementation of the Convention

ACTIVITIES OF THE GERMAN SOCIETY FOR THE PROTECTION OF CHILDREN :

ESTABLISHING THE OFFICE OF THE CHILD COMMISSIONER IN THE FEDERAL REPUBLIC OF GERMANY

Walter WILKEN

THE GERMAN SOCIETY FOR THE PROTECTION OF CHILDREN

The German Society for the Protection of Children (GSPC) was set up in 1953. It now has chapters in each one of the 11 Länder of the ex Federal republic, and in one of the new Länder. There are local or regional groups in 393 municipalities or regions, making a total of 45.000 individual GSPC members.

When it started, the society's work mainly involved shielding children from the dreadful consequences of war. Many families had seen the foundations of their lives completely shattered. As time went on, children's problems were different ones, and the society's work changed accordingly. Our regional and local groups now carry out a whole range of activities. The GSPC provides practical assistance to children and families, runs establishments promoting child development, takes the initiative in making proposals to local authorities on how to improve children's living circumstances (see diagram on next page).

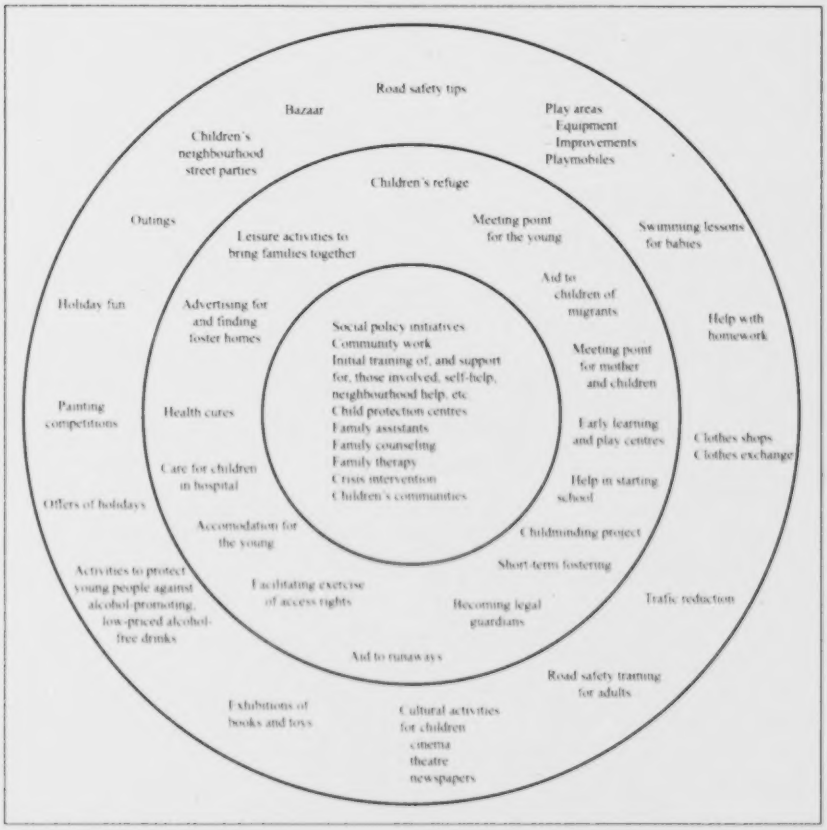
Provision for children and families

In the outer ring you will see those facilities on offer to all children and families, which could be described as preventative in nature, in the broadest sense. Among them you will find how to prevent road traffic risks, but also such things as games, clothes shops, cultural activities for children.

In the second ring you will see what is on offer to specific groups, e.g. families who need help with education or care of their children, or children who do not want to stay in their homes, or call the childline with specific problems.

In the inner circle you will see what is on offer to children and families who can no longer cope without assistance, and need counselling or therapy. We have also included here activities being undertaken collectively to improve the social and political circumstances in which children grow up and live their lives.

The Federal and Länder chapters tend to work less with individuals, and more on social policy issues; indeed the chapters' statutes state: "The work of the chapters shall, inter alia, influence public opinion, and generate proposals for action by the legislative or administrative authorities." In this political activity it was necessary to



get beyond the naive assumption that the legal and administrative establishment would automatically be won over, if we just put the case to them properly. We came to the conclusion that we had to conduct our lobbying in the same way as other pressure groups. Legislators and ministry bureaucrats are not moved by conviction, but by political pressure. We are now taking steps to reconcile what we can do as a democratic association with the acknowledged need to do a professional job of lobbying. In addition, it is particularly important to stress that children constitute the only group in society not in a position to represent its own interests.

THE CASE FOR AN OFFICIAL WITH SPECIAL RESPONSIBILITY FOR CHILDREN (CHILD COMMISSIONER)

To reinforce the effect on Parliament of our lobbying on behalf of children, since 1979 we have repeatedly called for the appointment of an official with special responsibility for children (child commissioner). In 1986 we made this specific demand the subject

BEST COPY AVAILABLE

of a petition to the Bundestag. The petition, dated 2nd April 1986, set out the fundamental objectives of the work to be done by the child commissioner:

- Respect for children's human rights
- Promotion of attitudes, physical and psycho-social conditions providing support for families
- Promotion of children's physical and mental development through changes in planning policies for traffic and housing
- Improving playing facilities, changing media output, reducing dangers from environmental pollution
- Reviewing all existing legislation to establish whether it does justice to children
- Promoting modern objectives in education, such as allowing children to take charge of what they do, creativity and ability to work with others in solving problems.

The child commissioner would answer to Parliament, and support it vis à vis the executive authority.

Once the petition was handed in, we followed it up with an intensive media campaign. Almost all federal media outlets reported the petition on 11th April.

This led to a somewhat theoretical debate about the meaning and purpose of such an appointment. We responded by organising a press conférence on International Children's Day 1986 (held on September 20th in the Federal Republic of Germany), to which we invited Norwegian Ombudsman Målfrid Grüde Flekkøy. She reported on the legal basis for her work, and its effect in practice. In this way the potential effect of having such officials was made clear, and the message to the media reinforced. A number of film reports of Mrs. Flekkøy's work were subsequently shown on German television. This practical example provided for us by Norway was of immense help throughout the discussion.

A GOOD OR A BAD COMPROMISE?

As a follow-up to our high-impact press conference, we turned our attention to diplomacy, i.e. we talked to individual MPs, and particularly to the President of the Bundestag Jenninger. In the course of discussion it became clear that there was no all-party majority in favour of appointing a child commissioner. However it transpired that, not least because of the good work we had done to publicise our cause, MPs would be in some difficulty in turning our petition down flat. They were seriously concerned that they would meet with opprobrium, and that the Federal Republic would once again be portrayed as a child-hostile country. MPs were also disturbed by the fact that the request that a child commissioner be appointed might be taken as implied criticism of their own work. In the end the parties worked out a compromise with the President of the Bundestag, whereby each party represented in the Bundestag would appoint one member to sit on a so-called "Children's Committee". The committee was to function as a sub-group of the parliamentary committee on young people, family affairs, women's matters and health, and provide it with advice.

This solution, worked out by the parliamentary parties and the President of the Bundestag, did not however mean much. The work of the German Parliament is organised by an all-party parliamentary advisory committee. This committee managed to allow the whole of 1987 to slip by without the Children's Committee being properly established, and without providing it with offices, staff or equipment.

In April 1988 a specialist get-together was held in the Evangelische Akademie in Loccum – an ideal venue for meetings attracting a lot of attention. It brought together scientists, politicians, representatives of associations and administrations to discuss how to represent children's views in politics. The Bundestag President and a number of MPs were to speak.

Two days before the event the all-party advisory committee decided that no basis could be found in Parliament's rules of procedures for establishing a Children's Committee, and that it could therefore not be set up. As a result the MPs withdrew from our meeting. We can really only thank the all-party advisory committee for its decision, since it provided us with a tremendous amount of additional material to publicise. A most successful event took place, principally because for the first time political theorists addressed themselves to the issue of how children's interests are represented in the political system in the Federal Republic.

The participants in the Loccum meeting adopted a resolution which caused something of a stir, protesting against the all-party advisory committee's decision.

The president of the GSPC declared to the press:" This step shows the ignorance of bureaucrats in the Parliament administration, and contributes to seriously undermining the younger generation's trust in Parliament, not to mention the confidence in Parliament of those committed on social issues. It just crudely indicates total disregard of the interests of children." A ground swell of protest, reflected in the media, led in the end to the all-party advisory committee returning to the subject on 5th May 1988 and coming to the following essential conclusions:

1. The Children's Committee was to be provided with logistical support (staff, premises, administration).
2. The all-party advisory committee assumes that the Children's Committee will start work. In the course of its work, it is to prepare a submission defining the Committee's tasks, powers and rights in the context of the rules of procedures governing the Bundestag.
3. The Committee should prepare the development of an informal opinion on children's issues for the committee on young people, family affairs, women's matters and health. It may assemble information for the purpose of drawing up proposals, and exchange information with relevant individuals and institutions.

Significantly, the Committee was accommodated in run-down premises not far from Parliament. An administrator and a clerk were assigned to it.

In September the President of the Bundestag and the members of the Children's Committee held a press conference to welcome the solution. The President described it as parliamentary reform, since for the first time the specific interests of children and the need to defend them was acknowledged, and they were to be under the protection of Parliament itself.

FROM THE COMMITTEE'S PRACTICAL WORK

At the end of the Parliament's term of office the Children's Committee submitted a report on the work it had done between 1988 and 1990. Subsequently the Committee was in great demand, with constant call being made on it by individuals and groups. It dealt with a whole range of issues.

These are just some of the subjects dealt with in the Children's Committee's report:

- Eliminating violence against children, corporal punishment, war toys
- Protection of young people (alcohol, drugs, pornographic/violent videos, gambling)
- Reform of the Child and Youth Welfare legislation
- Work with young people through associations and other means
- Child-friendly family policy (child benefit, education grants, parental leave, aid to families)
- Housing policy and child-friendly surroundings (building promotion schemes, accommodation, play areas)
- Media policy with children in mind (violence on television and video, children's programmes, children's films)
- Advertising using or directed at children (horror toys, alcohol, smoking)
- Education issues and establishments (schools, pre-school provision, kindergartens, day nurseries)
- The situation of children held in custody
- Disabled children in education and training
- Health policy and children (preventive care, nutrition, exercise, preventive measures, AIDS)
- Road safety (reducing traffic, 30 kph speed limit in built-up areas)
- Family and child counselling provision
- Child-oriented environment policy (controls on dangerous substances)
- Children's rights
- Children in high performance sporting activity
- Implications of tax and health reforms on children
- Town and housing planning (play areas, dimensions of children's rooms)
- Specific limits on children's exposure to dangerous substances and radiation
- Child labour
- Laws on care, custody, consequences of divorce or separation
- Children of migrants from East Germany, people of German Origin from eastern Europe, non-nationals, asylum seekers, child refugees

Discussions with experts in the Children's Committee produced some of its most concentrated work and results. The discussions covered:

- The UN Convention on the Rights of the Child (with a view to ensuring its ratification and implementation)
- "Tempo 30" (bringing in a general 30 kph speed limit in all built-up areas)
- Violence against children (publicising new approaches and help for children subjected to sexual abuse or exploitation, discussion of a ban on parental rights to use corporal punishment)
- Parental care (form of custody arrangements after a divorce, extension of legislation on children)

LIMITS TO THE WORK OF THE CHILDREN'S COMMITTEE

In its report the Children's Committee indicates the problems it has encountered in its work. Among them:

- The Committee's status is not defined by law. The decisions of the all-party advisory committee provide no guarantee of effective work.
- Staffing levels (now 2 1/2 posts) are inadequate. This means the Committee is not in a position to check the implication for children of all Parliament initiatives (annually ± 8000).
- Insufficient funding for organisation, meetings and events, or travel.
- Limited prospects. So far no decision has been made on whether or not the new Bundestag (elected on December 2nd) will appoint a Children's Committee.

ASSESSMENT OF THE CHILDREN'S COMMITTEE'S WORK

1. Many institutions and individuals looked on the Children's Committee as somewhere to go with problems and ideas, none of which, however, had been taken on by Parliament
2. The Committee was made up of one member from each of the 4 parties represented in the Bundestag, and worked on the principle that issues would only be put to Parliament if there was unanimity. Reaching unanimous agreement is by no means easy, but there is a good chance of an all-party initiative being taken on issues where it can be achieved. So far the Committee has not managed to rally the parliamentary groups to any of its causes.
3. The Children's Committee ensured that a range of issues was aired, though more by virtue of its members' individual initiative than that of the Committee. Those MPs who were members of the Committee were provided with a platform and the opportunity to get themselves known, though this did not noticeably improve their standing in their own party. Some of the MPs were accused by the political parties of being interested only in self-aggrandizement.
4. The Children's Committee does not seek sufficient contact with children's organisations to establish what could be done by working together. Lack of staff prevents the Committee from fulfilling its organisational role properly.
5. The political theorist Herbert Uppendahl said, at the meeting in Loccum referred to earlier "... the Bundestag President's efforts to create a parliamentary, political body representing children's interests by appointing party representatives, while it demonstrates an idealistic view of Parliament, does not unfortunately indicate that the real problems are being addressed. Unless the issues being raised on behalf of young people at various points in our political system can be drawn together and co-ordinated, the associations working on protection of children and young people inevitably forfeit a significant part of the influence they might exert."

Uppendahl's statement is particularly meaningful looked at against the background of Germany's federal structure. Responsibility for assistance to young people is distributed over federal authorities, those in the Land and some local authorities too. In the meanwhile fresh problems have come up because of the enormous differences in living standards between the old and the new Länder.

SUGGESTIONS FOR IMPROVING THE EFFECTIVENESS OF THE CHILDREN'S COMMITTEE'S WORK

There are a certain number of essential conditions to be met if the Committee is to do an effective job. If these are not met, there is a danger of the Committee doing more harm than good. The yardstick against which the Committee's work must be judged is not the range of its activities but how effective those activities prove. In other words, do these activities lead to debate in or decisions by Parliament, or bills being drafted.

It is obviously essential to provide the following conditions:

- The Children's Committee can only do its job of representing the interests of children in Parliament properly, if its prerogatives are clearly defined in Parliament's rules of procedures. This must include giving the Committee its own right of initiative, and special speaking rights to its members.
- The Children's Committee can only do its job properly if it is formally consulted on any draft legislation relevant to children (the Children's Committee acting as interface: see statement by L. Salgo).
- The Children's Committee can only do its job properly if it has a larger staff.
- The Children's Committee can only do its job properly if its members receive significant assistance from their respective parties in carrying out their other parliamentary duties.
- The Children's Committee could do its job better if the situation of children in the Federal Republic of Germany were more thoroughly documented. This could be achieved by asking an independent research institute to draw up a report on children every 4 years (the life of a Parliament). This would provide the Committee with a foundation on which it could base initiatives in drafting legislation, and indeed other political measures.

"BABY KISSING" OR A REAL POLICY FOR CHILDREN?!

Ludwig SALGO*

These activities of the Deutscher Kinderschutzbund and of others as described by my colleague Walter Wilkin, the General Manager of our organisation, have led to some reactions and consequences in the political-parliamentary field on the federal,[1] state and local level since 1987 as he has described in his presentation.

The discussion about such ombudspersons or commissioners for children is still going on and even increasing.[2] This can be recognized for example if you look at publications and conferences about this subject or if you observe especially implementation-strategies and variations of different proposals in a slowly growing number of cities with social-democratic governments.[3]

To understand the situation in Germany, you have to keep in mind the political structure of this country: the federal system has many advantages, but it makes a policy for the child much more difficult. In our country we also have a system of a vertical separation of powers: The federal parliament has the legislative power for the whole field of public welfare (Art. 74 nr. 7 GG)[4] beside other important fields; this blocks – according to the concurrent legislative power – any legislation by the states in this field. The single states have legislative power in the field of culture and education, especially for school and day care. But at the same time they are responsible for the implementation of the federal legislation in the field of youth and family policy. Finally we shouldn't forget to mention the communities. The constitution grants them the power of self-government. But they are dependent on the appropriations in the budget. These different competences of the federal-, the state-, and the local level make it difficult to establish a policy for the child.

This jungle-like interlocking alone,[5] the effects of which can only be fully under-

* This statement was a contribution presented on the 1st February 1991 in Bruxelles at the Seminar of the King Baudouin Foundation and the Children's Rights Centre, Universiteit, Gent. The paper follows the presentation of Walter Wilken, the General Manager of the Deutscher Kinderschutzbund, Hannover. Ludwig SALGO is Professor for Family- and Youth Law at the Fachhochschule.

[1] SALGO, "Politik für das Kind" – Brauchen wir Kinderbeauftragte? Recht der Jugend und des Bildungswesens 1988, S.374-381.

[2] The complete edition Nr. 4, 1990 of Materialien zur Heimerziehung, published by the Internationale Geselschaft für Heimerziehung, Frankfurt am Main is dealing with this subject.

[3] Like Frankfurt am Main, Essen, Dortmund, Vienna etc.

[4] This is German Constitution: Grundgesetz für die Bundesrepublik Deutschland vom 23. Mai 1949.

[5] See UPPENDAHL, Mittel und Strategien einer Politik für das Kind in: *Loccumer Protokolle*, 14/88, S.54-72.

stood by experts, would justify the establishment of a clearly defined political institution for the child on the three levels mentioned above. My colleague Wilken has already talked about the "Kinderkommission" in the "Deutscher Bundestag". Therefore I would like to make only a few remarks about respective institutions in the states and communities in Germany. The activities in some state parliaments[6] which have established commissions for children oriented on the federal model are rather modest. Unfortunately there haven't been any relevant impulses for the states' policies as far as I know.

However in the communities a very animated political debate about the pros and contras of ombudspersons for children on the local level has developed. The "Jugendamt", the local youth-welfare authority, is in the centre of this still ongoing debate. This authority has been established in 1922 as a specialized institution. And this institution had and still has an important role in the field of child welfare. The new legislation, the Kinder- und Jugendhilfegesetz took effect on January 1st this year.[7] During the debate of the draft proposals within the last two years the volume of money needed for a real reform was reduced over more than 50%. Nevertheless the new Act is an improvement compared to it's predecessor, the police law like Jugendwohlfahrtgesetz from 1922. The Kinder-und Jugendhilfegesetz is strongly family oriented and it builds heavily on prevention.[8] Many critics fear an overestimation of its family orientation. They criticize that the family but not the single child or juvenile gained rights for different services in this law. In the field of care and placing out endangered children from their homes the Act tries to implement the philosophy of planned, time-limited and goal-oriented intervention with rehabilitative means and with the participation of parents, children and juveniles wherever possible.[9]

Some acknowledge the Jugendamt as the only thinkable relevant authority for the representation of children's rights and interests, beside that there can't be any other institution. The proponents of the Jugendamt-solution admit deficiencies and problems within the Jugendamt, but they see them as resolvable and not as principal. One of their other arguments is, that establishing ombudspersons for children would even keep the existing authorities from their task or would hinder their work.[10] Other voices of the opponents of ombudspersons for children accept only the parents as the legitimate representatives of their children. One gets the impression that especially the established youth welfare system regards this demand for an ombudsperson as a great offence and threat. Those who are in favour belong to the group of non-governmental organizations, youth organizations active in this field and even high representatives of the churches. They recognize structural limits within the established authorities, which can not be overcome by reforms of these institutions or by reflections on their genuine tasks. "Modern child advocates have much less faith in state

[6] For instance Hessen and Saarland.

[7] Gesetz zur Neuordnung des Kinder- und Jugendhilferechts (Kinder- und Jugendhilfegesetz – KJHG) vom 26. Juni 1990, *Bundesgesetzblatt*, Jg. 1990, Teil I, S.1163.

[8] See WIESNER, Das Kinder- und Jugendhilfegesetz, *Familie und Recht* 6/1990, S.325-337.

[9] SALGO, Die Regelung der Familienpflege im KJHG, in: WIESNER/ZARBOCK, *Das neue Kinder- und Jugendhilfegesetz und seine Umsetzung in die Praxis*, Köln 1990.

[10] See MERCHEL, Der kommunale Kinderbeauftragte: die falsche Antwort auf ein Problem der Jugendhilfe, in: Footnote 2), S.2-4.

power... Ironically, today's reformers often attack the institutions championed by the earlier reformers..., the modern child advocate wants to constrain discretionary power of the administrative authorities and even of the courts. Moreover, the modern child advocate does not trust the state to represent children and instead sees state policies as reflecting a welter of interests, many of which are inconsistent, if not irreconcilable, with the interest of the child".[11]

The proponents of ombudspersons for children in Germany are also increasingly supported by social scientists, who are working in research fields of social policy and about controlling mechanisms of the implementation of legislation as well as about the role and function of ombudsperson-systems in western democracies.[12] This adds another dimension of democracy theory to this discussion. Based on many experiences there is an increasing number of interest groups and social scientists also in Germany who believe no longer in the selfhealing process of the youth welfare authorities. Knowing that counter power and counter influence are the indispensable premises for the function of the whole system they propose a permanent institutionalized criticism and control of state activities. "Moreover, prevailing political science wisdom suggests that no group will achieve the stability necessary to provide adequate continuing representation of children's interests".[13] The nonexistence of the usual controlling mechanisms and influencing factors such as market, lobby in the traditional sense, the nonexistent right to vote etc. demands a specific, new and differentiated system of checks and balances on behalf of minors. The growing loss of controlling power of the parliament against the bureaucracy has often been complained about in western democracies. With new instruments such as ombudspersons for children established by and only responsible to the parliament, the legislator – on the federal, the state and the local community level – could gain back a part of it's competence, which has been lost to the executive.

Therefore we have to convince the members of our parliaments that with these new instruments not only children but also they, i.e. parliamentarism, can win.

There is a remarkable development in some cities in Germany and Austria, in which you can find social-democratic majorities in the local parliament. The mayors (of some cities like Frankfurt am Main, Essen, Vienna etc.) themselves as the top of the local government promise to deal with the problems of children and juveniles more seriously and with more effective means than before.[14] These efforts seem to go far beyond the traditional "baby kissing" of established politics, i.e. which uses children for their goals. The instruments of these communities are very different: annual children reports, the establishment of subcommittees for children, of a "Kinderbüro", a "Geschäftsstelle Kinder", a "Koordinationsstelle Kinder", Children's Conferences and networks in the neighbourhoods etc.

The common characteristic of these new efforts is, that they are established within

[11] Mnookin, In the interest of children, New York 1985, S.56.

[12] See Footnote 5.

[13] Mnookin, Footnote 11, S.40.

[14] See 1. Tätigkeitsbericht der Wiener Kinder- und Jugendanwälte, Wien 1990 and Schwarz, Kinderpolitische Initiativen in Essen, in: Footnote 2, S.12 and Prinz, Bessere Interessenvertretung für Kinder – Ansätze in Frankfurt am Main, ibd., S.15.

the bureaucracy and work with the means of bureaucracy, but they seem to go beyond the traditional bureaucratic methods: On one hand by their direct link to the top of the administration, on the other hand by a number of other ties to the every day life of children in their neighbourhoods. But at the same time with the establishment of these new structures within the bureaucracies, the danger that the interests of children cannot succeed, lies within the bureaucratic structures. Warnings against such constructions within the authorities cannot be ignored. Studies in comparative political sciences have proved, that it is a typically German variation of the international development, to establish commissioners or ombudspersons within the administration and not within a link to the parliament.[15]

After all the above mentioned cities do not hesitate to spend comparatively high communal resources on man power and on equipment. Possibly the discussion about ombudspersons will stir up the traditional youth welfare bureaucracies who now have to justify the uselessness of ombudspersons. The more farsighted representatives of youth authorities however see better chances to push through the rights and interests of minors together with ombudspersons more effectively.[16]

As far as I know there is no survey of this recent development, which would meet scientific standards.[17] On one hand these developments on the local level are still too new to predict anything about their effects, on the other hand it is not easy to measure and qualify.

How ineffective a legal reporting obligation of the government towards the parliament can be, can unfortunately be proved by an example from the F.R.G.: Our youth welfare law gives the government the obligation to present a report about the situation of young people and the efforts and achievements of youth welfare to the Deutscher Bundestag and the Bundesrat in each legislative period. Besides a summary and analysis these reports should contain proposals for the further development of youth welfare; every third governmental report should give a comprehensive view of the general situation of youth welfare (§ 84 KJHG).[18] This report is written by experts who are invited by the government. The government must add to the report an opinion with the consequences which are regarded as necessary.

Unfortunately these reports have hardly had any provable effects on politics so far, although most of them meet high scientific standards and draw attention to deficiencies and propose concrete strategies of change. If you compare the recommendations of these reports to the consequences in politics, one can doubt why all these reporting activities are taken at all and why the expenses are wasted.

I have taken these experiences and this example with regard to the reporting duty of

[15] See UPPENDAHL at Footnote 5.

[16] SPATH, Kommunale Kinderbeauftagte – jetzt nötiger denn je!, in: Footnote 2, S.1 and SALGO, Die Funktion eines Kinder- und Jugendlichenbeauftragten im internationalen Vergleich, ibd. S.4.

[17] See the first empirical and evaluative research of MELTON, Lessons from Norway: The Children's Ombudsman as a Voice for Children, forthcoming 1991. The Institut für Sozialarbeit und Sozialpädagogik, Frankfurt am Main is just (1994) publishing one of the first evaluations of such activities on the local level.

[18] See Achter Jugendbericht, Bericht über Betrebungen und Leistungen der Jugendhilfe, Deutscher Bundestag – 11. Wahlperiode, Drucksache 11/6576.

the governments concerning the implementation of the UN Convention on the Rights of the Child of November 20th, 1989, (Art. 44). Indeed, the Parliament could play an important part in controlling the implementation.

Ombudspersons elected by and responsible to the Parliament could have a control-role function as important warning signals of the Parliament, which by establishing them would create at the same time mechanisms to sensitize its members for the rights and interests of minors as human beings and future voters. The experiences with Commissioners for Data Protection,[19] who have been established by State Parliaments as well as with the Defence Commissioner of the Bundestag ("Wehrbeauftragter")[20] who protects the rights of soldiers and the Commissioner for Data Protection of the Bundestag ("Bundesbeauftragter für den Daten schutz") are very encouraging. The lack of willingness to take consequences of these positive experiences in favour of children would be explained by Germany's historical experiences with state intervention into families.[21] But as far as I know of resistance against Ombudspersons for children in other countries too, so there must be some other deep fears of children.[22] The rights of the child to be respected as Janusz Korczak demanded[23] and the equality ("Ebenbürtigkeit") of the child are still not accepted as general standards. The discussion about the ratification of the UN Convention on the Right of the Child in Germany has shown this too.

The Government draft of the ratifying legislation recommended a ratification by Parliament only with various reservations, which the government declared with the deposition of the ratified document in the U.N.[24]

The Federal Government is inconsistent: On one hand there is no need to change legislation of the F.R.G. as a consequence of the ratification because the F.R. meets all conditions and obligations of the Convention as the Government declared. On the other hand the Government felt obliged to give different explanations, at the time when the ratification document was deposited with the Secretary-General of U.N. Although the criticism of Art. 38 Abs. 2 of the Convention by the German Government, which allows the participation of minors in armed conflicts from the age of 15, has to be welcomed,[25] the other planned interpretation-declarations of the German Government are very serious. With these interpretation-declarations the Govern-

[19] See Simitis, Reviewing privacy in an information society, in: *University of Pennsylvania Law Review*, Vol. 135, Nr. 3, 1987, S. 707-746.

[20] See Art. 45b GG: "Zum Schutze der Grundrechte and als Hilfsorgan des Bundestages bei der Ausübung der parlamentarischen Kontrolle wird ein Wehrbeauftragter des Bundestages berufen. Das Nähere regelt ein Bundesgesetz."

[21] See Salgo, Das Verhältnis von Eltern, Kind und Staat in der Verfassungsordnung des Bundesrepublik Deutschland, Familie und Recht 1990, 363-366.

[22] Steindorff, Eltern vor den Kadi?, in: *Kinderschutz aktuell*, 1991, 1. Quartal, Heft 1, S.14 and Salgo, Menschenrechte kennen kein Alter, in: *Kindeswohl*, 2/90, S.30-34 and *Kindeswohl*, 3/90, S.9-11.

[23] See Korczak, Das Recht des Kindes auf Achtung, Göttingen 1979.

[24] Entwurf eines Gesetzes zu dem Übereinkommen vom 20. November 1989 über die Rechte des Kindes, Gesetzentwurf der Bundesregierung, Bundesrat Drucksache 769/90.

[25] Ibd. S.54.

ment wants to make clear, that from its view there will be no need to change national law of the F.R.G. The fields concerned are vital.[26] It is:

- the very antiquated legislation for children born out of wedlock together with,
- the joint responsibility of parents no matter if they are married or not;
- the very doubtful legislation on the children of parents from foreign countries, who live illegally in Germany, which excludes them from granting youth welfare benefits to them;
- the compulsory visa obligation even for children under the age of 16 can cause difficulties for refugee children;
- the right of the child for a place in a day care centre;
- the right of children during criminal procedure to have a competent representative.[27]

This survey shows that these points are all but marginal.

In contrast to other countries there hasn't been a public debate about the UN Convention in Germany's media. It is difficult to explain even for experts, what is intended by the German Government.

An Ombudsperson of the parliament could be very helpful in this situation also. Our experiences until today support more than ever before to insist on a concept of the Children's Commissioner or Ombudsperson for Children with the following standards:

- nominated by the Parliament with responsibility only to this;
- someone with a friendly and accessible personality instead of an anonymous bureaucrat;
- power of the authority and autonomy by law and with it a permanent status;
- she shall not be a member of the administrative authorities;
- periodic reporting obligations to the Parliament;
- an interdisciplinary staff of assistants;
- free access to files and information and
- access to children in institutions;
- reporting obligations for all institutions, which deal with children, towards the Ombudsperson, if requested;
- the right to be heard in all legislative procedures relevant to children;
- independent public relations;
- a "brain trust" for scientific assistance;
- everybody, even public employees, should have the right to inform the ombudsperson informally;
- right of the ombudsperson to protect sources.[28]

These demands seem to be the most important ones, especially after our first more disappointing experiences with the "Kinderkommission" on the federal level in Germany. But the implementation of Ombudspersons for children as the ratification and implementation of the UN Convention are an ongoing process, which we all can influence and from which we all can learn.

[26] Ibid.

[27] See the critique of Steindorff at Footnote 22.

[28] See for a profile of such ombudspersons SALGO at Footnote 16.

FRENCH PUBLIC AND PRIVATE INITIATIVES CONTRIBUTING TO THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD IN FRANCE

Jean-Pierre ROSENCZVEIG*
in association with Annie BOUYX**

0. INTRODUCTION: THE FRENCH SITUATION

01. The French context

01-1. Firm support and almost unreserved commitment by France

In accordance with the commitment expressed by President MITTERAND on 10th June 1989 before the Congress of the Union Nationale des Associations Familiales,[1] France signed the UN Convention on the Rights of the Child on 26th January 1990 and ratified it with one reservation (art. 30) and two interpretative declarations (art. 6 and art. 40) on 7th August 1990.

The Convention, as required by the French legal system, has taken its place in French law and it has become legally binding on 6th September 1990. It is subordinate to the Constitution, but takes precedence over conflicting laws. In the future laws passed must be in line with the Convention.

01-2. The preparations for ratification

In the two or three years prior to the adoption of the Convention by the General Assembly of the UN, a great deal of work was done by the authorities and relevant organisations to ensure that the future international treaty, which we were intending to ratify, was made known to professionals and the general public, and its meaning and its scope were explained. Considerable efforts also went into preparing for the commitment we were about to enter into.

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[1] To our knowledge, the French President was the first Head of State to commit himself publicly to ratification of a convention not yet adopted by the UN General Assembly, the adoption process of which was clearly not going to be without difficulties. This public show of support was meant to tip the scales in favour of a project which was still in its infancy.

a) Public initiatives

As of July 1989, Mrs DOHRLAC, the Minister for the Family , was given the task, by Mr ROCARD, the Prime Minister, of co-ordinating all domestic aspects of the Convention, while Mrs E. AVICE, ministerial delegate to the Foreign Office, was put in charge of international aspects.

As well as the work at ministerial level, I should mention amongst the studies carried out to facilitate public debate:

- the report presented by Mrs Denise CACHEUX, MP, from the Département du Nord, to the Committee on Legal Affairs of the Assemblée Nationale;[2]
- the Opinion of the Haut Conseil de la Population et de la Famille submitted to the Minister for the Family in April 1990 and presented to the President of the Republic during its plenary session in June 1990.[3]
- the report of the Conseil d'Etat on the "Status of children and their protection" drawn up at the request of the Prime Minister and submitted on 15th June 1990.[4]

In 1990 the States General on The Rights of the Child took place in the form of 4 one day events, each held in a different part of France, along with two national events. The aim of the States General, organised on behalf of the Minister for the Family, was to raise public awareness of the issues and to contribute to thinking on the subject.

b) Private initiatives

It would be impossible to draw up a comprehensive list of all the different private initiatives on the subject of the Convention or of children's rights in the last few years. In 1989-1990 some 200 public events took place on these subjects.

Particularly as of April 1988, at the request of the French UNICEF Committee and the French section of the ICCB, IDEF, a public institution which plays a major role in dissemination of information on children's rights, took the initiative of setting up a Group of French NGOs and associations on the subject of the Convention. The group, led by a public body, has 105 general and specialised organisations as members. At the outset, its main objectives were to publicise the Convention by organising events and exhibitions, by making documentation available on the subject, and to make proposals to the French authorities. Its first report, "73 ideas on implemen-

[2] Assemblée Nationale – 1990.

[3] Published by the Direction de la Population et des Migrations –Ministry of Social Affairs, 1 place Fontenoy – 75007 – Paris. This opinion suggested some ten reservations or interpretative declarations to the government on fundamental points where the Haut Conseil de la Population et de la Famille held the view that it would be impossible in the short term for France to adapt to the convention. In general, these recommendations have not been followed.

[4] Published by the Documentation française. This report was preceded by another document, published in May 1990 on "hearing and defence of children in court". This interim document later became one of the three chapters in the final report. The other two chapters dealt with "child protection" and "affiliation".

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tation of the Convention in France",[5] officially presented on 27th September 1990, the eve of the Minister's departure for the World Summit on the Child, was circulated widely. This Group became the Conseil français des associations pour les droits de l'enfant (COFRADE). I will return to this Group later.

In the meantime certain legislative measures had been taken, directly or indirectly referring to the Convention, in some cases before the entry into force of the Convention text.

I should like to mention:

- limitation and even abolition of remand for juveniles (bills approved on 30th December 1987 and 6th July 1989);
- a law stipulating educational guidelines (10th July 1989)
- provision of improved means of protecting children against maltreatment (law of 10th July 1989)
- improved protection of mother and child (18th December 1989)
- protection of "juvenile fashion models" (9 July 1990).
- the decree of 18th February 1991 and the 4 circulars explaining its application on rights and obligations of secondary school pupils.
- the law of 4th January 1993 on criminal law procedures.
- finally the law of 8th January on the Registrar's office, the family and children's rights.

Finally there are experiments going on in some French Bar Councils to set up a system for the defence of children in court. These experiments are supported by the Minister of Justice and by groups such as the Fondation pour l'Enfance. The first results came about quite quickly in the form of court decisions on children separated from their parents, based directly on the Convention. So far most judges involved were of the opinion that the Convention is directly applicable regarding the right of children to be heard and to be represented.[6]

Two bills were introduced in 1989 by Members of Parliament (Mrs CACHEUX and Mr BARROT) concerning the defence of minors in court. Although they do differ significantly, both these texts seek to address the gaps in the law brought to light by numerous experts on children's issues, and subsequently by the Conseil d'Etat. It is reasonable to assume that work on the reform of the legal aid system, together with practical experiments to be carried out , will soon lead to adoption of the basic right of children to be heard, to defence in court and to legal aid.[7] The law of 8th January 1993 finally gave us an interesting albeit partial answer.

[5] The report is available at no charge from the I.D.E.F., 3 rue Coq Héron – 75001 – Paris.

[6] These decisions were published by the IDEF and by the Journal Franco-Belge du droit des jeunes. The attitude of the Court of Appeal is "original" in that it chose to disregard the Convention in the case of a young girl wanting to assert her freedom of religion. The court took an ambiguous decision declaring that a Convention signed by France has no binding effect on the judiciary. It is true that it is only when the Convention has been ratified that it will become binding on magistrates. It is clear however that the spirit of the Convention has not been embraced by the bench.

[7] The law on legal aid was approved on 10th July 1991.

01-3. Impressive media response

To give a complete picture, I must also mention wide press coverage of the Convention, and of the first World Summit on the Rights of the Child on 29th and 30th September 1990. It is in fact noteworthy how many journalists have abandoned their old approach "child maltreatment – children in danger", and begun to consider a new approach based on the recently acknowledged "legal capacity" of minors. There have even been the beginnings of a press debate on the efforts of A. FINKELKRAUT to lift the veil on what seemed to be consensus on the subject.[8] We must however not delude ourselves. This new attention to what is after all only an international legal text went hand in hand with the same degree of scepticism which is brought to bear on all legal matters.

First conclusion: Quite apart from the issue of the rights of the child, the Convention is now very much alive in France. The Convention has served both as a challenge and a pretext. It has clearly led to developments in society but we must keep the momentum going. It was also very timely.

It also has to be pointed out that the Convention on the Rights of the Child comes at a time when answers to questions about the status of the child – the present status, but also the new status we would like to bring about – also affect how we react to other more or less pressing social problems.[9]

To mention just a few: the debate on adoption, and on a larger scale, the desire to have a child, along with the extraordinary and ongoing developments in the life sciences, the reform of our educational system to guarantee the right to education for all, social exclusion of certain young people, etc. The answer to a number of social questions depends on whether the child is seen as a desired object subject to the power of the adult, or as a person with legal capacity.

Public opinion, the authorities and even certain professionals are receptive to the concept of the child as a person. They are however much less receptive to the idea that children and young people have a share in the responsibility for the running of their own lives. Many continue to see "minors" of 18 years of age as "legally incapable" ... in their own interest!

> *Whatever else, it has to be said that the Convention can take credit for having led to a review of the present status of the child in French society. Some politicians have made a number of discoveries. Inconsistencies or gaps have been brought to light and have led to undertakings or improvements. Even though it could not be said to have become the sole focus of public debate, at least a full approach has been worked out. The Convention was approved just in time to help in solving a certain number of problems which were surfacing in society, at a time of profound change and diminishing influence of the church in society. All this helps to explain the success of the Convention in France, in the context of the bicentenary of the Declaration on Human Rights.*

[8] In Le Monde 9th January 1990. Around the same period, the same author claimed in "Le Soir" on 11th January 1990 that no human rights militant could agree with the Convention.

[9] See "Les droits des enfants en France: état d'un débat et perspectives", J.P. ROSENCZVEIG, December 1990, I.D.E.F, updated in November 1992, IDEF.

02. Future prospects?

02-1. Latent scepticism and resistance

In the interests of truth, it has to be stated that, looking beyond public relations efforts and press coverage, the French attitude to children remains ambiguous.

It is clear that public opinion is sensitive to the fate of maltreated or neglected children. And this public interest is justified, even if some use it for their own purposes and – thanks to the media – sometimes paint a picture so black as to give the impression that the situation of the child has worsened and that our child protection system is seriously deficient. Certainly, our system is far from perfect and has to be adapted. The States General, who have been given this responsibility, are well aware of the serious social and political implications.

The French seem to think that the situation of children, as children, in a country like ours is enviable, and generally they are right. Leaving aside the material side of things and the clear inequalities which still exist, children have benefited from the disappearance of authoritarian and hierarchical attitudes, both at school and home. There are of course still a number of social problems to be solved in education and the health sector, but their solution does not require a change in our attitude to children.

An indication of this is the scepticism which met initiatives like municipal and regional youth councils, dismissed as nothing but gimmicks.[10] More specifically, many people are worried about whether young people, especially the very young and adolescents, will manage to resist the blandishments to which they will be exposed. Possible excesses caused by the new freedom for children which is anticipated are a serious cause for concern.

This attitude is also evident at the Education Ministry and in its decree of 18th February 1991 on the rights of pupils. Pupils will have to use their freedom of opinion with care; they must especially "abstain from all forms of proselytism and propagandism when attending meetings".

In other words, even though it is recognised there are certain contradictions, the status quo is preferred by many: parents and teachers remain the child's best guardians. Very few would doubt the truth of this. However this makes it very easy to evade the issue of children and young people having a say in their own affairs, what is termed by some the "citizenship" of the young, a notion which may shock when seen as a negation of the concept of minority.

Apart from questions raised about possible risks for the young, the new approach is seen as yet another attack on the Family – i.e. the family based on parental authority – and on the educational capacity of teachers. It is interesting to note Alain FINKELKRAUT's thesis, according to which the job of teachers is to educate the child who, by definition, knows nothing. Over the last few decades parental and educational au-

[10] See publication on the first national meetings on the Children and Youth Town Councils, 1988, IDEF, 75 p.

thority have come under attack, and there is fear of their being further eroded from within! Behind the fear of seeing children, deprived of the authority which was there to protect them, at the mercy of all kinds of dictators and paedophiles, it is of course adults' loss of power over children which causes the anxiety of the pseudo-philosopher with his certainties.

We should not underestimate likely resistance even on the part of the authorities, founded only partly on prudence and educational considerations. Many openly profess the belief that the time is not right to discuss the rights of the child. Prudence sometimes even borders on inertia.

02-2. Against this background, what to expect?

It is not difficult to answer this question: in France things take their logical course. One should not expect revolution, at best, there will be gradual progress; at worst, if nothing new crops up, the debate will be a damp squib ... to be restarted possibly with a jolt in a couple of years time because of an outbreak of social unrest (cf. recent unrest among secondary school pupils in September and October 1990 when pupils did demand better facilities, but also recognition of the rights of pupils).

a) There was talk of a bill setting out the framework for implementation of the Convention, bearing in mind the background in France. Public debate on this bill might have been just the impetus needed.
Only one political party – the French Communist Party – realised the possibilities opened up by the Convention. On 7th December 1989 the French Communist Party tabled a proposal which, on closer inspection, turned out to be a political platform rather than a bill. It is very unlikely that it will be put on the agenda of the Assemblée Nationale, but at the very least it has the merit of calculating the costs of a "different policy approach".
For its part, after some hesitation, the ROCARD[1] government, given the difficulties which are bound to arise in the context of a renewed campaign against abortion, has decided not to put forward guidelines on the subject. Notably there would have been a controversy over the right to life which, in the case of abortion, takes second place to the right of women to choose what happens to their bodies. And there would have been other real or apparent contradictions, such as the one between the limitations on free establishment of foreigners and the right to family reunification, etc., all quite delicate problems.
That is why the government went the road of limited changes and partial texts, whose overall structure is not yet apparent. In fact there no longer seems to be any question of general guidelines.

[1] On behalf of France Michel ROCARD attended the World Summit on the Child. The President of the Republic who had intended to be present had had to go to New York a couple of days before to take part in a meeting of the Security Council on the Iraq crisis. During the World Summit M. Rocard took a number of incisive questions from French children who where there to prepare an item for the TV programme *C'est pas juste* (FR3). It should also be remembered that the Prime Minister had taken steps in February 1989 before the UN Human Rights Committee to secure completion of work on the Convention on the Rights of the Child.

b) So in France the limits of the Convention were have to be decided by the courts on a case by case basis. This situation clearly has advantages: e.g. flexibility – and disadvantages : resistance and fits and starts, contradictory decisions, etc. In fact, the role attributed to the courts is all the more important because the terms of the Convention are cowardly – an inevitable consequence of the search for an international consensus. More often the treaty, a panegyric and therefore hybrid text, defines objectives or moral obligations for the States Parties rather than directly applicable positive rights. This is the case specifically in the social, economic and cultural domains.

The courts will therefore have to decide whether "to the maximum extent possible" applies to a certain case or whether the state is "using its best efforts" to attain the objectives it has subscribed to. A difficult task for all involved, both for those who have obligations and for those who judge them. What is meant by each right will change as time goes by. Hence the importance – we will come back to this – of ensuring that people get in the habit of exercising their right to go to court, and of providing the necessary technical and human resources. The perception of the courts, only too often seen as instruments of repression rather than guardians of liberties, will also have to be changed.

But the law is not the be all and end all. Information on the law must be improved and a real defence of the rights of the child made possible. At the same time children have to be put in the position of exercising their rights on a day to day basis.

In this report four avenues will be examined as ways of promoting implementation of the Convention:

1. information for young people but also for adults
2. access to the law and to the courts
3. respect of the fundamental liberties which are the foundation of citizenship
4. the creation of monitoring and conciliation bodies

We must also focus on the – often forgotten – international dimension of the commitments entered into by countries ratifying the Convention. In the fields of economic, social and cultural rights countries commit themselves to promoting closer co-operation and solidarity with the other contracting parties. Over the last few years France's public and private contribution to the activities of organisations such as UNICEF have increased considerably. In quantitative terms it remains modest but nevertheless we are one of the most important donor countries.

Nor must we forget that in this field financial assistance is not the be all and end all: training, transfer of know-how in all domains, technical assistance,[12] etc., are all possible forms of co-operation and solidarity. And we must not forget diplomacy, French involvement in humanitarian activities and also obviously assistance to peoples in the throes of civil war – e.g. steps taken to secure safe passage for humanitar-

[12] What has been undertaken in the former Eastern European countries and particularly in Romania where a French expert has been seconded to the government to assist in working out a policy on children. Legislation clarifying the legal status of children in orphanages is one of the results.

ian aid convoys and to bring about cease fires which would also be of benefit to children – or to the victims of famine or natural disasters of all kinds. In fact the French authorities themselves have rarely referred to the Convention as justification for intervention.

This is an essential part of the Convention which however I shall not deal with here. The reader is referred to the interesting French report to the Committee on the rights of the child of March 1993.

1. FIRST AVENUE: INFORMATION ON THE CONVENTION AND RIGHTS OF THE CHILD

The Convention calls on States Parties to make its existence known as widely as possible, and to make available information on children's rights.

Article 42: "States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike."

1-1. It has to be said that in France, this work is particularly advanced , but there is a need for reinforcement and renewal.

The text of the Convention was widely distributed by the office of the Minister for the Family itself, under Mrs DORLHAC, and subsequently under Mr CATHALA, but it has been sent out principally by the Institut de l'Enfance et de la Famille. The Minister's office has put unprecedented effort into stimulating discussion on the text.

Local communities and in particular the whole network of groups working in this field have done as much as their limited resources allow. Written and audio-visual material, exhibitions, plays, learning games have been developed and are reaching more and more people.[13]

But obviously much remains to be done.

It takes time for this kind of information to be absorbed, especially as many of our contemporaries see it as more of a curiosity than a problem. But at the very least this gives us the opportunity to take stock of existing rights and work out a basic approach to teaching on human rights.

From the responses which have come in from all sides, it has become clear that some sectors in particular have very high expectations of this process. I am thinking of schools, and the extent to which it has emerged that educational institutions are not playing their part either for the reasons I have already mentioned, or quite simply because they have not grasped what is at stake.

This is the kind of information, incidentally, which must be recirculated periodically, because of the kind of group to which it is addressed. Each new generation of children has its own priorities and interests.

[13] See summary list in "*Le Statut de l'enfant*", above.

The fact remains – and this should perhaps have been the first question asked – that the target group must be identified, if for no other reason than to focus the message. Are adults the target or children?

The implication is that our target is children. And in the way we go about our task we are sometimes not too far removed from laying ourselves open to the kind of criticism levelled at us by those who have reservations about the idea of children's rights: we don't always take the time ourselves to let children work things through and figure them out for themselves.

We may be trying to channel their ideas on the Convention before they have had time to think it through. There are, of course, notable exceptions, one of which is the year-long project run by the A.F.F.D.E.,[14] which led to the seminar "Children speak up", organised by the Senate in November 1989.[15]

We do, though, have a message for adults too. Children need information about their rights, since such information can be of immediate use when they have to mount a defence against aggression of any kind which they may encounter. At the very least, they may be better equipped to sound the alarm. Furthermore, we all know that children, with their questions and the – unwitting? – ease with which they bring contradictions to light, are apt to make adults think about these matters.

Indeed I am tempted to suggest that is it on adults, not just professionals but parents, administrators, those holding elected office, that we should be concentrating our effort to inform and make aware. In the end, as surveys show, it is what they say and do which provides children with a role model. Children see them as the law "come to life": they talk about it, tell children what it says and – we can assume – what it means. Yet in general, these very adults are not aware of the rights children already have, much less that they should have more, and indeed they may have misgivings about such a project.

I would therefore suggest that we recommend a full public information campaign – through, for instance women's magazines – addressed to adults; a thorough, sustained campaign is needed. Hence the idea of a pamphlet to be given out by the registrar to parents registering a birth, to be called "Our child, my rights : my obligations," designed to provide information, but also to explain to those who have just had a child how they should understand the main rules and regulations applying to children.

We have also produced information for the public at large such as the audio-visual project *"Petits d'hommes*, finished in 1993 by Pierre-Jean REY, presenting the Convention and its contents. We are also putting together a photograph album on the same subject to be ready in 1994.

1-2. We must bear in mind how much those involved, adults and children, actually know about the rights of the very young. This is just one illustration among many of where there are gaps to be plugged, and where a great deal remains to be done.

[14] L'Association Française pour le Dévelopment des Droits de l'Enfant, after a number of exiting and original initiatives, dissolved itself in 1993.

[15] Proceedings published in November 1990.

Here we may glean ideas for the future from a variety of recent studies.

As far as children go, I would note 2 things:

1. In general 10-12 year old children have a pretty fair idea of the criminal law: we should not overlook their exposure to television, dominated by police series, from America or elsewhere. But when it comes to their civil rights, they are by no means so sure. Usually they expect their parents to make sure their rights are respected and to protect them.
2. When we went through the "complaints book"[16] sent in in 1989 in response to the Francas – ICEM Mouvement Freinet initiative, we were surprised by how much the young people expected of others. They did not perceive themselves as in control of their lives.

Adults, too, still have a long way to go. At school they all learnt about what children can't do. They find it surprising to discover that children can be convicted of criminal offences at 7-8 years of age, and that it was not until 1989 that prison sentences for children under the age of 13 were abolished.

I would sum up at the risk of exaggerating by saying that most people when they think of the rights of children under 18 would reckon that they have only one recognised right, that of obeying their parents, though they would not deny children's ability to do and try all sorts of things, because if they didn't life ... for adults would become impossible. Just imagine what it would be like if our children couldn't go shopping, buy a bus ticket or go to the pictures alone.

Mme A. PERCHERON, then in charge of CEVIPOF, in her opus "The law at 20 years old" highlights the fact that both young people and their parents are ready to learn their civics again, no longer focusing on the principles underlying a republic, but rather on human and children's rights. Projects addressed to parents have already been mentioned. In the case of professionals, their initial and subsequent training must – and sometimes already does – more appropriately address the issue of individual, and especially children's, rights.

Any information provided must, of course, cover both the rights and the obligations of children, and not just state the rules, but explain why they exist, and what they mean. Indeed how can it be right that under the Napoleonic code, article 371 of the civil law in France still states that "a child of whatever age has a duty to honour and respect his parents."

Perhaps this is one explanation of some adults' misgivings. They would be prepared to listen to what children have to say but are ill at ease with the need to respond to questioning, however nicely put, from children and young people. This is a problem we must address: while the fact that the *infans* is he who does not speak is a most opportune recollection, this is because individually and collectively we do not know what to say to young people when they ask us the kind of questions we ask ourselves, or those we do not ask ourselves but to which in any case we would not have the answers.

[16] Work done by Mmes PERCHERON and LEVY under the auspices of CEVIPOF and IDEF at the Prime Minister's request.

In other words, what you might call, in the pure sense, the political objective in this whole debate must be that of guiding adults trying to rediscover a way of talking to young people.

We must look beyond just information on children's rights, and try to promote broad awareness of all aspects of children's present status. We must remind people that rules do exist, have no hesitation in restating even that which is taboo, do our bit to identify contradictions and gaps to be plugged. Unless we can get these messages across, we shall not create the consensus we need to make implementation of the Convention possible, nor shall we find answers to a number of outstanding questions and change the way people behave on a day to day basis. We must also be prepared to deal with anxiety created by putting these issues into words, and help people keep a sense of proportion. We must also make it clear that we do not lump all children together, either in our legislation or in practice. We do acknowledge the different stages in childhood, and very young children are not put on the same footing as pre-teens or those approaching adulthood. The idea of 'discernment' is not a new one, but it does imbue our day to day approach, and to speak of a revolution is much too sweeping. The authorities do have a part to play in all this, but so does the whole network of groups and associations working in this field. Lawyers – and especially academics – not to mention the press have a real job of work to do in shedding light on the issues.

2. SECOND AVENUE: ENSURING ENFORCEMENT OF CHILDREN'S RIGHTS THROUGH THE COURTS

2-1. You may be surprised by our decision to put this in second place on our list, but in our view this issue is absolutely fundamental. As adults we do not want to invoke the law, and fortunately rarely have to. And yet the yardstick by which we will measure whether such rights have been established will be made up in part of the existence of such laws and in part of our ability to enforce them. In other words rights not enforceable by law are no rights at all.

And yet the fact is that children have virtually no access to the law, unless in actual danger. They cannot put their case or employ someone to defend them. It is their parents who exercise these rights on their behalf. There is nothing unusual in that, though it has been known for parents to hijack this right of representation to their own ends, where the case is not a simple matter of family property or other interests.

2-2. If we accept this premise, we must consider the following proposals:[17]

a) Our law must encompass 2 new principles:

- *the law must acknowledge a child's right to someone to defend him/her, at the child's request, or in the event that a close relative or the courts discover that the*

[17] For more details, see the chapter "Pour une véritable justice" in "Enfants victimes, enfants délinquants", Paris 1989, Ed. Balland, and work done on children's rights in France, where a variety of proposals are made.

child is not properly defended, or that the person defending the child could be accused of a conflict of interest.

– *the principle must be established in law that a child has the right to be heard if he/she so wishes, whether in legal or administrative proceedings. The judge will then have to assess whether the child is being manipulated.*

If these fundamental rights are actually to be put into practice attitudes will have to change, and of course lawyers will have to be trained and their services funded, since it is evident that their young clients will not be able to pay their costs, and lawyers can hardly be expected to make them a long-term loan. If it is felt that families cannot afford to pay a levy, then a "legal security" system, like the social security system, may have to be set up.

The law of 8th January 1993 has apparently supplied the answer to this question.

In fact it contains the general principle that children must be heard in all cases which concern them. There is no longer an age limit as in the 1987 MALHURET law on divorce: while this is real progress it is less important than one might imagine.

In fact children can be heard by the judge or one of his colleagues. In other words there is a risk that magistrates may delegate this task to others or simply rely on what they find in documents supplied by the social services.

Moreover, a magistrate may decide not to hear the child or not to have it heard, because he feels the child might find the process disturbing. In other words this is a perfect example of an entitlement in name only for children. Parliament has only set out general guidelines: children have to be heard. The rest is left to the judges' discretion. In my opinion rights which depend on the goodwill of a magistrate are not rights!

This tallies neither with the spirit of the Convention nor with the concept of human rights: it is the fundamental right of each individual, whether he/she be over or under age, to be heard when he/she thinks it necessary. This is another illustration of our fear of giving children the right to speak: we are afraid of manipulation, so, in one fell swoop we deprive all children of the right to be heard.

The same law "generalises" children's right to be represented during their hearing. After having vacillated for a long time – in other words after having refused children the right to a lawyer – in the end Parliament gave in: children will have the right to be represented by a lawyer or by another trusted person. There is clearly mistrust of lawyers! Will they not just make matters worse? What a view of defence! Moreover the judge will have the right to reject the counsel the child has chosen, and to appoint another. It is understandable that some people are afraid all kinds of groups or sects could do anything they please, taking advantage of children's relative weakness.

But all the same the idea that a judge should have any influence on the choice of legal representation is one we should find shocking. For an adult this would be unthinkable. Would it not have been better to have drawn up a list, for each jurisdiction, of those recognised as being qualified to provide legal representation? It would then be up to the young person to choose one of them. One thing is certain: the law stipulates clearly that children cannot be parties in the case. They are represented in order for their point of view to be heard. And that is all there is to it.

It is clear that the existence of numerous – and moreover competent – lawyers is beginning to transform juvenile justice. There are now decisions which refer to the Convention, and particularly to the right to be heard and represented (article 12), but also to the right not to be separated from a parent against one's will (article 9). And there will be more decisions, each taking us a step further. The problem – which in fact is an old one – is that depending, on the jurisdiction and the magistrate, rulings will differ on rights such as the right to be heard or the right to be represented, while they ought to be unassailable.

Yet more evidence that there was a need for legislation to pull all the different analyses and practices together. Which does not mean we should underestimate the capacity of magistrates, under pressure from lawyers, to improve on past interpretations of the law.

b) Here we must *press for access to the law and to justice*, by means of specialist services and contact points such as those set up in Belgium some 10 years ago. I must mention the six *Infor-Jeunes* services set up by a charity led by Jean-Pierre BARTHOLOMÉ.

Lille has a very similar service now, called *Point Jeunes*, and along the same lines the Bar of Lyons provides a service called *"avocats du mercredi"* (Wednesday lawyers) but France needs many more such services.

An involvement of this type does not just provide information and advice, it can actually prevent conflict, and therefore litigation, arising. It may be an excellent vehicle for ensuring that justice is done. An example is the BOUAMAR ruling in Belgium, whereby a number of provisions under Belgian law allowing imprisonment of minors were declared invalid, and Belgium had to undertake a fundamental review of the application of its criminal law in the case of minors.

The UN Convention on the Rights of the Child did not in the end include a provision establishing an international court. It is, therefore, still more important to make use of all available avenues in your country, and if necessary we should not hesitate to invoke the European Convention on Human Rights, whose procedures are open to minors.[1]

2-3. Two last points must be made in rounding off this chapter

1) The legal system must not be the only place where young people's rights are respected. We must also ensure their respect in the education system (e.g. in disciplinary procedures), and in the social services.

2) The legal system must not just enforce existing rights: it can play its part in extending the legal capacity of children and young people, in the same way as it has contributed for example to extending the rights of workers.

[1] For case law of the Strasbourg Court, see Pascale Boucaud's "Le conseil de l'Europe et la protection de l'enfant" – Dossier sur les Droits de l'Homme nr. 10, 1989. See also "La France et la convention européenne de sauvegarde des Droits de l'Homme et les Libertés fondamentales" by Catherine Cossos in: *DEF*, nr. 36/1992/3.

The idea of legal representation for children has made headway. In future lawyers will guarantee a posteriori but above all beforehand the exercise of their rights by young people. At the same time lawyers will force the legal system to grant children new rights.

It is noticeable that no one has yet tackled the problem of the weight to be given to the word of the child, which is one of the reasons why children have difficulties in being heard: we do not want children to take decisions independently whatever their age and whatever their circumstances, and we are right not to. Things would be clearer if more effort was made to distinguish between those cases in which the child has to give an opinion and those in which it has to give its agreement.

Intricately linked to this question is the issue of the responsibility of adults: opinions or agreement, adults do have some responsibilities: either they will decide taking into account the opinion of the child, or they will prepare the child to exercise its rights independently. To say that children have rights does not mean that adults no longer have duties or responsibilities.

3. THIRD AVENUE: DEVELOPING THE ABILITY OF CHILDREN AND YOUNG PEOPLE TO AVAIL THEMSELVES OF CERTAIN RIGHTS

It is generally acknowledged that the Convention has introduced a new and original idea into our thinking on childhood, in that it grants individual rights to those under the age of majority: freedom of thought and religion, of opinion, of expression and of association.

3-1. Making use of such freedoms is both an objective in itself, and a means of ensuring that children's rights are generally respected.

It is of course necessary to establish ways and means, as well as a climate of opinion receptive to this idea, and there are still those who feel uncomfortable at the prospect of children having greater freedom of speech. Not that the idea itself is all that original. De facto, it has been more or less accepted for decades, though in practice it has always depended on the goodwill of adults, parents and educators of all shades of opinion. This freedom is in reality a concession. The big change brought about by the Convention is that it has become a right: legally speaking, parents no longer have the right of veto. The Convention is explicit by its very silence.

This does not mean that parents' responsibilities and the powers they entail have disappeared. More than ever, parents have the job of preparing their children to exercise their rights. Children will no longer only have to be taught to be polite and how to behave, they will have to be taught how to tackle their own responsibilities as children. Like adults, they will have to make sure they do not commit slander or libel, and they will have to obey the rules of public order. Penalties, be they family sanctions or civil sanctions, disciplinary or penal sanctions, will come later.

To be realistic, we have to assume that sometimes things will go wrong and there will be those who go too far. The experience we have had with certain secondary school

newspapers is telling. But all adults know – e.g. the right to strike or freedom of the press – there will always be those who take freedom too far.

3-2. The main thing is therefore to prepare young people technically and socially to exercise their rights.

a) What has happened in school structures with pupil representation is known only too well, and is enough to put anybody off being either a voter or a candidate for election. The Education Ministry seems finally to have accepted this. What will happen now remains to be seen but this example shows that when the rights of young people are not respected the problem usually starts with adults, some of whom actively obstructed pupil representation.
It is clear schools cannot exist in isolation. Their walls must not be impermeable to rights and freedoms available to any citizen accepting his rights and obligations under the law, whether adult or child. As a matter of principle, but also in the interests of education and of school success rates. Many years ago , Freinet was already pointing out the importance of a dynamic approach to education.

b) Bridge-building experiments between the world of adults and that of children, such as the Town Councils[19] or General Councils[20] are further experiments in active democracy. We must not, however, expect too much of them. The least we can do is to keep a close eye on events, and maintain our principles unwaveringly, to avoid getting bogged down in fine words, which in the long term inevitably end in disaster for those adults who indulge in them.

c) *Newspapers and the press in general run by children and young people are another way of giving children a voice.* In France, the CLEMI,[21] a department of the Ministry of Education, is already training teachers for this.
But we must also keep a watchful eye on information aimed at children, not so much, or at least not just to stop children from sometimes going too far or to protect them against certain dangerous temptations (e.g. the French "Minitel Rose"). Like adults, children are entitled to genuine information , and, in fact, as we all know, the real problem today, and even more in the future, is how to cope with the mass of information we can access.
Excellent information on topical issues is already available in minute doses in the supplements of a number of big national weeklies, such as L'Alsace. Such initiatives need to be encouraged and publicised.
The same goes for TV programs such as "C'est pas juste" ("It isn't fair") on FR3, which for years really gave children a chance to speak out and allowed them a say on social issues which concerned them, before being sacrificed on the altar the viewing figures.

d) One of the tests of the adult willingness to accept young people as capable of

[19] According to the Association nationale des conseils d'enfants et de jeunes – 15 rue Martel 75010 Paris – there are about 700 such councils.

[20] At the moment there are 6.

[21] Centre de liaison de l'enseignement et des moyens d'information – 391 rue de Vaugirard 75015 Paris.

thinking and acting for themselves , and also one of the first instruments offering young people the opportunity to exert influence in society is to be found in *freedom of association*.

Obviously, here too we must not expect too much. Not all young people will take these opportunities. However, experience has shown that society can only gain from a strong network of organisations and associations expressing common concerns and agreeing to work together.

Equally, we must not be too optimistic about the kind of association which will be set up. There will be stamp collectors' and computer clubs, sports or traditional arts clubs. But, given the importance for young people of justice and the law, there will also be UNESCO clubs and anti-racist organisations, perhaps even school or neighbourhood associations dealing with social or humanitarian issues. Some may find the idea shocking , but perhaps there will even be youth organisations run by young people themselves which come up with different, youthful projects. The Children's and Youth Town councils have shown that by no means only children's issues are put on the agenda.

And maybe there will also be de jure or de facto associations set up to promote and defend children's rights, an issue traditionally dealt with by adults.

We can therefore expect freedom of association for young people to produce two consequences: first, on a personal level an increased awareness of individual and collective responsibility and secondly, a contribution to the debate on social issues.

Here again we will have to change our civil law and our legislation on associations. Civil liability issues will come to the surface when young, legally "incapable" minors may, acting on behalf of their associations, have to sign contracts, go to court or take responsibility for the actions of their association.

While this is a tricky legal issue, a solution can be found.[22] However it is clear that resistance will first and foremost be of a cultural nature. From a material point of view, young people must also be put in a position to get their associations off the ground: financial support to acquire the first meeting room, print the first leaflet or organise the first meetings; legal assistance and possibly the availability of adults and resources. With this purpose in mind, a programme has been worked out successfully in France by an Association,[23] which was entrusted with this task and provided with the necessary funding by the authorities. Results have been very encouraging and deserves to be more widely known.

In 1991 the Youth and Sports Ministry put forward a proposal on freedom of association for 13 to 21 year olds which was shot down in flames both by those who wanted to uphold the 1901 law on freedom of association and by children's rights advocates. The legal age bill which was the brainchild of a group of experts set up by the Minister for the Family[24] seemed to provide an original and wide-ranging answer

[22] At the moment, at the request of the Prime Minister, the Secrétariat à la Jeunesse et aux Sports is preparing a bill, which will probable define prelegal age status and set the age limit at 16, which would not solve the fundamental problem but would be a step forward.

[23] The Association "Enfants et familles d'aujourd'hui", Paris.

[24] "Affirmer et promouvoir les droits de l'enfant après la convention internationale sur les →

for all the problems encountered by 16 to 18 year olds on freedom of association and more: unless authorization was expressly refused minors from this age group would have been assumed to have parental authorization to act.

This approach would be a big step forward along the road to full legal capacity for children:

- before the age of 16 children cannot legally act unless there is a text explicitly allowing them to do so,
- between the ages of 16 and 18, children can act unless there is formal opposition from their parents, who have to be informed of important acts such as setting up an association;
- as of 18 children not only have the right to act but they can do so autonomously except if it can be shown they are psychologically unable to in which case they have to be declared legally incapable.

In the end these two projects came to nothing. But more thinking is going on at the initiative of the Conseil National de la Vie Associative with the intention of producing specific proposals.

We must have no illusions. Young people, be they minors or young adults, will not start exercising their rights overnight. Why should they be different from adults? At the present time, when personal success depends more on individual effort than on collective endeavour, the power of both individual and collective commitment has waned, and it is left to others, the State, society, the family to take over.

The test will be how we adapt our legislation, what solutions we espouse, and whether we conduct a social debate on the approval of new, more favourable legislation for children or not. Changing the law serves no purpose if there is no information on the changes, and especially if no efforts are made to make people see the deeper meaning of the changes which are being made.

For young people to use their rights, support structures will have to be put in place to facilitate access to them: information, guidance and support centres to help children and young people to exercise their rights, going so far as to offer free legal aid and assistance in court cases.

We also have to work out how to teach them to deal with their own responsibilities.

In other words, given everything which still remains to be achieved, we must not expect too much too soon. We cannot afford to be over-ambitious, for there is much at stake for society as a whole.

4. FOURTH AVENUE: MONITORING, QUESTIONING AND MEDIATION PROCEDURES

While the Convention puts the burden of responsibility on the States, and expects

droits de l'enfant" – report to the Minister for the Family – February 1993 – La Documentation Française

them to act, in reality we all have our part to play. The best way to make sure the Convention, which in the end is quite demanding even for our so-called developed countries, is applied is to keep going the momentum which has been achieved. Given human nature, if the necessary mechanisms are not put in place, there is a danger we may nod off on our bed of good intentions. That is why steps have to be taken to keep the debate in society going and to set up official bodies responsible for monitoring and penalties.

4-1. The first step

At the moment, clearly, the best way to produce a change in attitudes is to highlight contradiction between the way institutions and people promise to behave and the way they really behave, to show legislation often lags behind developments in society and put things into perspective. I for one am convinced it is necessary to show adults it is in their own interest, as parents, educators or politicians, to respect the rights of the child. Protecting children better means respecting all of their rights and especially treating them as individuals, as underage but fully-fledged persons.

All this seems modest but feasible.

Thus, from time to time, we have to take a look at the de facto and de jure status of children under the age of 18, if only to check what still needs doing. Most importantly, we have to ensure the "best interests of the child" do indeed take precedence over other interests in administrative and legislative measures and in the way children's living conditions are approached, exposing concealed interests when necessary.

For instance while all parties frequently pay lip service to the interests of the child in settlements of separation cases, in actual fact the child's interest often plays only a very secondary part.

School curricula are another example. Children's schedules are frequently determined more on the basis of other considerations than in the best interests of the child. In France, the time children spend at school is so organised as to be convenient for the Catholic church's confirmation classes. In the same way other religions also exert their influence on school schedules. And as far as school holidays are concerned, their rhythm depends to a large extent on difficulties in the hotel business caused by years of lack of snow during the skiing season.

There are endless examples of this.

We are not just dealing with a legal question: in the final analysis, the law is nothing but a translation of the point of balance between opposing forces.

In this context it is important for the debate to continue in an objective manner.

4-2. The possibilities afforded by mechanisms and structures monitoring implementation of the Convention must not be overlooked either

As has been said on a number of occasions, the Convention doesn't so much define

rights for children as indicate a course to be followed and set objectives to be achieved. As time goes on, we shall have to make every effort to ensure that current concerns find expression in the right kind of practical measures. In other words, rather than producing rights which can be implemented directly, the Convention is the starting point of a process.

This is what the Convention is all about.

Provided the right conditions, which I have tried to describe, are created by parents, professionals, elected representatives and the authorities, young people can help to generate the necessary changes. To this end, however, it is essential that we get beyond mere words, and shoulder our own immediate responsibility for changing the law and monitoring its implementation, and for the way we organise children's daily life.

a) The UN Expert Committee monitoring implementation of the Convention

France put up a candidate (unsuccessfully).

Without expecting too much from this committee, we can assume it will have a positive effect in steering state initiatives in the right direction. It is, however, clear the quality of its work will depend on:

1 its members and their moral authority

2 the way it will function, which in turn will depend on its credibility and especially on the willingness of the States and the UN to provide the necessary funding.

While we can be reasonably optimistic, especially after the 1st Summit of Heads of State and Government organised in New York at the initiative of James GRANT, we must still take nothing for granted.

Meanwhile the choice is scepticism or clear-sightedness: where are the details of the World Plan for Childhood which was adopted with such fanfare? While we are happy to be told that the cause of children is being advanced, it takes real conviction to believe it.

Regarding the Expert Committee, we will know more shortly when it publishes its conclusions on the first reports submitted, one of which is from France. 92 and 93 have been used to devise a working method together with the NGO's which needed to take into account the size of the task but also the risk of disappointing those who are aware that this institution is the linchpin of the Convention...

b) It is not beyond the bounds of possibility that a country might decide to do something similar, i.e. bring together a group of independent experts, to advise it, or even question it. In the final analysis, the committee's influence will depend on the legitimacy and moral authority it acquires as time goes by. We should point out right away that the national committee to be set up to supervise the commitments entered into by France at the World Summit on Children never saw the light of day!

It would also be an extremely useful mechanism to ensure all new legislation and regulations are in line with the Convention .

It is difficult to accept that our legislators do not implement treaties ratified on their authority. And yet this is what has happened in France in several recent texts:

- in the law of 8th January on the status of the child
  The Convention establishes the principle that every child has the right to know his or her parents, while article 27 of this law contains the principle that the mother's name may be withheld.[25]
- the same goes for certain provisions in the texts amending the Nationality Code and the conditions governing the entry and residence of foreigners in France.

c) The expansion of the European Convention on Human Rights

We know that on 1st February 1990 the Parliamentary Assembly of the Council of Europe recommended that the possibility be studied of "working out an appropriate legal instrument ..." to fill in the gaps in the UN convention.

An expert committee on Family law has been entrusted by the Council of Europe with the task of preparing a draft convention on the exercise of personal rights by people under 18 years of age. The text has not yet been finalised but we already know its guiding principles.

There will be guarantees offered to minors concerning the exercise of their rights from three points of view: procedural rights will be established, the responsibilities of parents or guardians, the judiciary and the administrative authorities will be clarified, and procedures will be defined to allow mediation by existing or yet to be established agencies. Work is advancing slowly, however, apparently for lack of State support.

On its part, the European Parliament has adopted a Charter on the Rights of the Child.

It is worth remembering that all the EC member states have now signed the Convention. Luxemburg, the Netherlands and Greece are the only EC countries who still have to ratify it.

d) Le Conseil français des associations pour les droits de l'enfant (COFRADE)

This group, whose background and objectives I have described above, is particularly original in that it exists at all, and that it brings together the main organisations, both general and specific, dealing with the rights of the child in France and elsewhere.

We wanted to institutionalise this group, to give it legal status and to provide it with the necessary institutional and logistical support to ensure its long term survival. We did this at the beginning of 1992, which allowed us the leave IDEF, a public body, and stand on our own two feet.

The aim was not to turn COFRADE into either a sounding board or an eternal critic of the authorities, but to make of it an interlocutor who is always available to talk to the authorities but on the spot when it came to making sure promises made by the

[25] See "Un traité bien maltraité", article by Claire NEIRINCK and Pierre-Marie MARTIN in the Semaine juridique (JCP) Ed. nr 20, may 1993, p. 223 to 227, and "Les droits de l'enfant dans la loi du 8 janvier 1993", by Pierre MARTAGUET in: *La Lettre de l'IDEF*, nr 74, April, 1993.

authorities are being kept, making clear who is responsible for what, and contributing to answering questions raised in the course of public debate.

We have already accomplished one thing:

A formal agreement has now been reached with the Ministry for the Family that each year – on the anniversary of the adoption of the Convention – a meeting will be held between COFRADE and the authorities. This is in itself recognition of the Group's legitimacy, proof it is representative and also proof of the quality of its work so far. In the meantime COFRADE has also received financial support from the authorities since it can now no longer count on assistance from IDEF.

More recently, the authorities have consulted COFRADE on France's report on the implementation of the Convention before it was sent to the UN Committee on the Rights of the Child.

COFRADE brings together a number of associations. It has its own charter and its own rules of procedure which attempt to leave each association as much freedom as possible, while avoiding conflicts between individual initiatives and aiming at maximum efficiency for the group as such. Most family associations have left the group however, because they felt only they had the right to speak on behalf of children. At the beginning of the summer of 1993 70 associations and NGO's were members of COFRADE.

Among other things, the group has set itself three tasks:

- to train, with the help of IDEF, "Convention Messengers". A twelve session course took place in 1990-1991 and trained between 700 and 1000 people
- to complete the original work of the group on implementation of the Convention in France, but also elsewhere
- to be alert to potential infringements of the Convention.

It must, however, be pointed out the Group only represents institutions already involved in the debate, which are moreover almost exclusively adult organisations.

e) There was a multiparty Parliamentary committee dealing with the rights of the child in the Assemblée Nationale and also apparently in the Senate during the last legislature. Hopefully they will play their part with more vigour in the future.

f) The Advisory Committee on Human Rights under the auspices of the Prime Minister also has a more prominent role to play in this area than it has done so far.

g) Finally, the possibility of creating an "Ombudsman for children and young people" – an institution which already exists in other Western Countries – is being considered.

At the moment, however, the idea meets with more scepticism than enthusiasm. The French do not believe in this sort of Anglo-Saxon institution, while at the same time, taking all kinds of initiatives which in the end come down to much the same thing. The latest was the decision to appoint police-mediators in the 8 'départements' of the Paris region. In so-called black spot neighbourhoods, civil servants have also been appointed to mediate between people, especially young people, and the authorities.

We believe we now have to take steps to develop this idea if we are to begin solving not only individual but also collective problems.

We also have to give some thought to the possible significance of such initiatives. The study days organised in Quimper in November 1992 by IDEF, the Fondation de France and the Caisse d'Allocations Familiales du Sud-Finistère, did shed some light on this issue. It is clear there are reservations, fears and doubts about the possibility that this institution might be diverted from its true purpose; the idea of mediation as such has not, however, been rejected and remains feasible.

Finally, I would like to stress that the institutional avenues I have explored, which are at the same time ambitious and modest, will only prove worthwhile if the other measures described above are also put into effect. All these measures are interdependent, and each of them enhances the effectiveness of the others. I think I have demonstrated how important it is to develop individual and collective ways for young people to express their views thereby restoring balance to public debate, and fleshing it out.

I also believe that in the long run initiatives like the national child-line for maltreated children bring to light injustice suffered by children and young people.

I am aware that in the approach I have described I have already touched on a number of subjects which will be dealt with in other sessions. It would have been difficult not to, since everything depends on everything else. I think, however, I have not strayed beyond the boundaries of our responsibilities of adults.

Now this approach has to be added to, fleshed out and where necessary qualified by comparing it to the situation in other countries.

My thanks for your attention.

OUT OF THE MOUTHS OF BABES

Judith ENNEW and Virginia MORROW

Out of the mouth of very babes and sucklings hast thou ordained strength, because of thine enemies that thou mightest still the enemy and the avenger.
(Psalm 8, verse 2)

Most commonplace quotations are, in fact, misquotations. In everyday English this Biblical verse suffers not only from having the words changed, but also altered meaning. The intention of the psalmist seems to be to make his point by a startling contrast. God is able to use even the axiomatic weakness of babies to conquer adversaries. The same type of contrast is used elsewhere in the Bible in another well-known image: "The wolf... shall dwell with the lamb... and the young lion and the fatling together; and a little child shall lead them" (Isiah II, 11, verse 6). The saying that has been derived from the psalm, however, is "out of the mouths of babes and sucklings comes forth truth", which has a very different meaning. It tends to be used when a child makes a comment that shows up adult hypocrisy, or makes adults think again about something they take for granted. It is also used to indicate that, although what the child says may be true, adults must be realistic and ignore that truth.

We begin this way, because both quotation and misquotation are indicative of the underlying difficulties of implementing the Convention on the Rights of the Child. In the first place, children have neither physical strength when they are small, nor self-determining political rights at any time. Their rights will always be asserted by the social group that oppresses them – in other words, adults. In the second place, they are a muted group, which lacks a social voice. Even if they do state their truth, it is almost inevitably discounted. Thus, article 12 of the Convention on the Rights of the Child, which provides that children have the right to express "freely" views that will be "given due weight", is likely to be far more difficult to implement than articles concerning rights to provision and protection.

The right of the subjects of research to express views, to give testimony, is essential to the proper conduct of social research, if the results are to reflect something other than the perceptions of researchers. Research with children thus involves particular problems, because of the way in which all societies discount the words of children. The Convention on the Rights of the Child requires researchers to review the ways in which they carry out their work with children.

Here we describe, and reflect upon, our experiences of research methods we have used to carry out studies of children's involvement in work, in two developing countries (Peru and Jamaica) and one industrialised country (the United Kingdom). We suggest that creative techniques can and should be used to elicit social anthropological or sociological data from children, and that any academic discipline that claims to be "about society" fails to live up that claim if it ignores direct evidence from a substantial part of the population. To suggest that children cannot be the generative

source of data, simply because they are children and therefore a different kind of research subject from other human beings, is an untenable position. We set this argument in the context of a discussion of children's right and present examples from our own, and others' studies, which show that children can provide rich data about their everyday lives. We also present some data that indicate that children themselves seem to be well aware of the fact that, as children, they are effectively denied a range of rights that adults take for granted. First we begin with a personal anecdote.

Judith received her first lesson in children's rights from her own son, then four years old. In defence of his wish to wear the clothes he preferred, rather than the fashionable garments she had chosen to fit her image as his mother, he asserted, "It's my body." From that moment he chose his own clothes.

At that time, Judith was herself only newly an adult – just two years over the age that then allowed political majority in the United Kingdom. She was married, a mother, a joint householder, and had exercised her right to vote in national elections. Yet she claims that it was only when challenged by her child's rational language, rather than tears or tantrums, that she came face to face with the fact of her power as an adult. In human rights terms, she began to grow up at that moment.

Although Judith considered that her son had won the argument, many parents would not have taken her path. It was less a matter of principle with her at that time, rather a temperamental habit in which defeat is admitted rapidly, but only in the face of irrefutable logic. The more common parental response (which might also not necessarily be a matter of principle) is to assert parental power and authority, which is, after all, both the model and apotheosis of all adult power over children. The answer to such a filial challenge would be, in most cases, "But you know you look nice dressed in that"; or "I like to see you wearing that"; or even "As long as you live in my house you will wear what I say".

These three responses bring out three of the most common breaches of children's rights as persons. As we shall show later, it is these rights that children themselves state are most commonly violated, that they feel most keenly, and yet that have no specific mention in the Convention on the Rights of the Child:

> *"But you know you look nice dressed in that", withholds and denies a child's perception of self and personhood.*
>
> *"I like to see you wearing that", asserts the superiority of another, adult, opinion and will.*
>
> *"As long as you live in my house you will wear what I say", encapsulates the economic base of adults' repression of children and their ability to use force to exercise power over them.*

This underlying pattern produces the grounds of possibility for the occurrence of all the multiple acts of omission, abuse and exploitation the Convention on the Rights of the Child seeks to address. It is a natural progression from these three statements, and others like them in the everyday relationship between parent and child, to child abuse. This is often made unconsciously manifest in adult taken-for-granted attitudes. For example, in a television programme on child abuse, broadcast in 1987 in the United Kingdom, several million viewers seemed not to find it odd that an emi-

nent child psychiatrist, when asked to distinguish between normal parent child relations and child abuse, replied:

> *When your child annoys you so much that you simply have to hit him – that's not child abuse.*[1]

Consider, for a moment, how that sentence might sound, and what a furore it would cause, if the subject were changed: "When your wife annoys you..."

It was not, of course always thus. "The more he beats me, the more he loves me" is even now a common saying in Latin America.[2] Yet women's rights have been asserted increasingly over the past three decades, and women's voices continue to be successful in bringing about progressive improvements in law, culture and family life. But women are adults. How can we involve children in the fight for their rights, in a social context in which it is axiomatic that they are "seen, but not heard"?

Between us, we have spent a total of 21 years as social anthropologists and activists, working on various areas of the violation of children's rights, and constantly grappling with the methodological issues raised by this question. The motivation for this work, at least in the first instance, was not to set out on a crusade to right children's wrongs. For example, in Judith's case, although she responded to her son in the story told above in what might be regarded as the spirit of children's rights, this arose from a recognition of logic rather than of natural right. Neither of us has any formal background in human rights, and we both came to academic life somewhat late. Until we began researching children's lives, most of what we had learned about children's rights was encapsulated in half-forgotten memories of our own childhood experiences of children's wrongs – powerlessness, the inability to make effective decisions about our own lives, having our opinions, experiences, tastes and even moral principles discounted or ridiculed. It was only gradually, through research with children, that these intense memories resurfaced.

The research in which we have been collaborating began in 1979, the International Year of the Child, probably the most successful United Nations' "year" in terms of the processes it set in train, including the drafting of the Convention on the Rights of the Child. One such process was a developing research interest in working children, and our involvement began with a request to carry out a study of child labour in its social and economic context, rather than relating a set of shocking but merely descriptive incidences. Jamaica was chosen for this study, because the economy is varied and the population only some two million people. At that time, the World Bank had produced a World Atlas of the Child, stating that fewer than one Jamaican child in 1,000 was working, which was contradicted by the study's finding that between 25% and 30% of those under 18 years of age made a significant contribution to the economy, often to the detriment of health and educational progress.[3] Through developing the methodology to carry out this study, and in later research in Peru and the United Kingdom, we became aware of children's rights, largely through cataloguing their violation.

[1] "Where There's Life", Yorkshire Television, July 1987.

[2] See for example BARRIG, 1982 p. 33.

[3] ENNEW 1982, ENNEW & YOUNG 1981.

The desire to involve children as subjects in, rather than objects of, research arose directly from the premises of our discipline, social anthropology. Although the principal tool of ethnographic study, participant observation, was established in the 1920s and from this date distinguished social anthropology from sociology, until the 1970s the discipline had largely failed to study societies through anything other than adult, male worldviews. Men's voices have superior authority in all societies, and social anthropologists, studying societies other than their own were, in general, male. It was a short circuit. However, by 1979 when we began our studies of children, female voices and female worldviews were becoming legitimate intellectual concerns. Anthropology was alert to the silences of muted groups.[4] Through the experience of research with workers on remote Scottish islands, we were aware of the significances of central absences: of things that are not said, voices that are not heard, particularly in the face of already-constructed worldviews of dominant cultures.[5]

The main problem for an anthropological study of children is often taken to be the difficulty of conducting legitimate participant observation among them. The conceit of ethnographers has traditionally been that, during the period of fieldwork, they "become like the natives". The absurdity of this was stripped bare in the 1970s. Most social anthropological research had been carried out by upper-middle-class Englishmen, whose ability to become anything else in life is questionable, and whose ethnography had wholly ignored at least half the members of any society they had studied. The questions this raised opened the door, not only for more studies of women, but also for a more realistic appraisal of the ethnographer as subject, even though the whole area of reflexive anthropology is still bitterly debated.[6]

It is possible to argue that all ethnographers in strange societies are like children. The degree of incompetence at linguistic and practical levels, the impotence one feels as a newly-arrived alien, can be both extreme and unsettling. The society's adults become impatient, even scornful. These first, uncomfortable stages are often mediated by children, who delight in both teaching and protecting this amusingly inept adult. Judith learned Spanish from children in Peru who, on the one hand, took the most touching care of her and, on the other, would exploit her ersatz adulthood to obtain parental permission to go to the beach or cinema under her "protection". The interplay of their superior knowledge and her superior power was fascinating and, unlike ethnographers of adulthood, who tend to see this as a probationary period before entering real society as fast as possible, she was interested to record it.

The few ethnographers who have concentrated on recording the interactions of this type of participant observation, have tended to be either psychologically or ethnomethodologically oriented, limiting their studies to a specific, small-scale subculture or to the details of a small number of interactions. William CORSARO's comparison of Italian and United States infant schools provides a lively example of the former. As an adult male, CORSARO clearly had a wonderful time being taught the rules for using the play house, sandpit and building bricks.[7] Chizuko MAEDA's exploration of the

[4] See for example Ardener 1975.

[5] ENNEW 1978, 1979; TODOROV 1973.

[6] See for example OKELY and CALLOWAY (eds.) 1992.

[7] See, for example, CORSARO and RIZZO 1989.

lifeworlds of mentally handicapped children, as an example of the second type of methodology, provides a particularly moving account of the ethnographer's wordless but meaningful interaction with a teenager with profound mental disability:

> He is looking skyward with his eyes half open. Between the sky and his eyes he holds up the fingers of both hands. Fingers move in the air, close to his face, twirling and twisting each other, overlapping and being overlapped by one another. Sometimes, very slowly, Matthew's head moves sideways, yet his vision is fixed to a certain point. But where is that fixed point? What is he looking at? I sit up halfway to see what he is looking at. I still cannot be sure what he is looking at or whether he is looking at anything at all, but it is not likely that he is looking at his fingers. I lie down again and observe his finger play for a while. His otherwise rather clumsy fingers twist and twirl in various ways at various speeds. At one moment they twirl very quickly, fingers of one hand chasing and being chased by those of the other hand. In a short while, the movement becomes very slow as each finger twines with another, weaving various patterns. "How can you do that, Mat?" I mutter, maybe to myself. Then I wonder, "Could I do that?".[9]

Perhaps the most muted social voice of all is that of the profoundly mentally handicapped, yet MAEDA's methodological concentration on this case study allows her to explore the meaning of actions usually categorised by carers as "stereotyped, repetitive movement".[9] This is one way of providing a space in which the muted voice can be heard. In less metaphorical terms, Allison JAMES provided an actual space for able-bodied teenagers in NE England, who already enjoyed some degree of freedom. By moving in to a house in the district, she was able to provide a more open and neutral space for these young people than they might otherwise have had in institutional venues, such as home, school or youth club. By interacting daily with her subjects in a space midway between institution and the freedom of the streets, she was able to gain some insight into what these youngsters did when they told other adults they were "doing nothing".[10]

To a limited extent, children have been studied by anthropologists for some considerable time, but largely from the socialisation perspective of adults describing the process of becoming adults. As Jens QVORTRUP points out, this means that children are viewed in terms of an end product – the adult – rather than as children.[11] This is a top-down process, in which the question of the possibility of doing participant observation with children has simply been put to one side. The answer has often implicity been "don't even try". Thus social anthropologists in the British tradition have mostly studied children in terms of life-cycle events – birth and initiation – both of which are described from an adult perspective.[12] In the United States, cultural anthropology has been concerned, since the early studies of Margaret MEAD and Ruth BENEDICT, with one overwhelming interest: the process of socialisation, particularly where this can be

[9] MAEDA, 1990, p. 188.
[9] Ibid p. 189 and passim.
[10] JAMES, 1982/3.
[11] QVORTRUP, 1991, p. 13.
[12] See for example MIDDLETON, 1970.

shown to result in specific cultural traits, such as the harmonious tranquillity of Balinese society, or the ritualised violence of Japan.[13] The extent to which these studies are made by adults with adults in mind can be judged by considering the "Six Cultures" studies coordinated by the WHITINGS in the 1950s. The overall concern was cross-cultural comparison in order to correlate particular cultural traits with corresponding styles of child rearing.[14] The methodology was based on charted observations. Timed observations of interactions between children/children and adults/children were made by adult researchers, using a complex formal guide. The guide contains detailed instructions for selecting researchers, but does not consider the possibility that observations might be made by children or young people. Nor were children of any culture consulted when the charts were drawn up. As a result, the categories reflect the essentially child-hostile nature of western society, and record largely negative actions, such as aggression towards other children, complaints, or being injured.[15]

A more sensitive approach to socialisation is the relatively child-centred research of Thomas WEISNER and his colleagues, carried out in the 1970s and 1980s.[16] Although children are not used as observers, the research seeks to explore their positive input to society. What is recorded is the amount of time children spend in certain activities that are essential for group functioning. WEISNER notes that, among the Abaluyia of Western Kenya, the majority of child care is carried out by older children, with women acting as managers.[17] This research is particularly important for children's rights because of the over-emphasis in women's studies on the negative and burdensome character of childcare for women, and its results are reflected in our own work.[18] Indeed, the unleashing of women's voices has in some cases further muted the voice of children.[19]

There have to be some means by which children can be permitted to tell their own stories, as far as possible through their own concepts. This is what article 12 of the Convention on the Rights of the Child entails. Even though the verbal form of the concepts is inevitably that recognised by the adult world, there is a difference in quality, if not in kind, in the way in which children perceive the world. This can be understood in the creative, often clairvoyant manner in which children enter adult discourse. When they do succeed in communicating their perceptions, adults often treat this clear-sightedness as misunderstanding, and display it for amusement.[20] But, if we did not implicitly recognise its perceptive clarity we should not regularly be forced to the conclusion that "Out of the mouths of babes and sucklings comes forth truth".

There is a crucial difference between children's actual accounts of their own lives as they are living them and the literary genre of "The Childhood" as reconstructed in

[13] MEAD and BATESON, 1942; BENEDICT, 1952.
[14] WHITING, 1975.
[15] WHITING, 1966.
[16] See for example WEISNER, 1989.
[17] WEISNER ibid.
[18] ENNEW and YOUNG, 1981; MORROW 1992 (a).
[19] See for example ENNEW and MILNE, 1989, pp. 194-5.
[20] ENNEW 1991, p. 66.

adult memory. This is ably analyzed by Richard COE in his book "When the grass was taller." COE points out that The Childhood, written with adult hindsight, is really a search for clues to two of the obsessions of modern, western society, the individual identity and its neuroses. Childhood remembered will thus tell a great deal about the adult who remembers, but far less about the childhood that was actually lived.[21]

It is, of course, perfectly possible to use children and young people as research assistants and key informants. This was done by Judith, informally in Lima, as can be seen in three small examples, even though children were not actually used in research design, implementation and analysis. When data was being collected from schools in one Lima shanty town, midday meals were taken with a family in which there were five children. The oldest was 17 years old, an unemployed school drop out. He became interested in the project and offered to act as a guide through the sprawling, unmarked streets to meet school appointments. Once there, he went inside and "sat in" on sessions while data were collected. His comments on the children, their reactions and the data collected were insightful. He had recently been through the school system himself, he lived in the area. Before very long he began to help with data collection. At the end of a month he was taking responsibility for half the work, and this meant in practice that twice as much data could be collected. He also shared in initial stages of collation and analysis, with the result that the first, Spanish report on that work credits him as co-author.[22]

Later in that same research, a group of child workers was being interviewed, and family data were being collected, using standard genealogical tables, a research tool that often bamboozles undergraduate students. The children clustered around, asking questions about how this worked. Then they began actively to help construct each other's tables, prompting memories of step-siblings, step and absent parents, and older, married siblings that the child involved had not included. The resulting tables are richer in three ways:

1) They are more detailed than those that might otherwise have been gathered;
2) They have been subjected to cross-checking by other members of the community;
3) They have the added depth of being a record of two different groupings within the child's kin: those with whom the child interacts on a regular, significant basis, and those who are structurally present but physically absent or insignificant.

Finally, difficulties experienced in later analysis of data revealed the utility of using one child's two-dimensional visualising ability to interpret the drawings of another child, even one from another culture. Many hundreds of drawings were collected in both Peru and Jamaica. For comparative purposes, open-ended titles were employed, but it was not always possible to decipher a drawing.

An example is Figure 1 (see next page),which was part of an untitled set made rapidly by a boy in Lima when circumstances did not permit discussion about its meaning. It was not immediately obvious what it depicted, despite the detail that had gone in to its creation. Other adults also found it impossible to interpret. But the six-year-old

[21] COE, 1984.

[22] ENNEW and PAREDES, 1982.

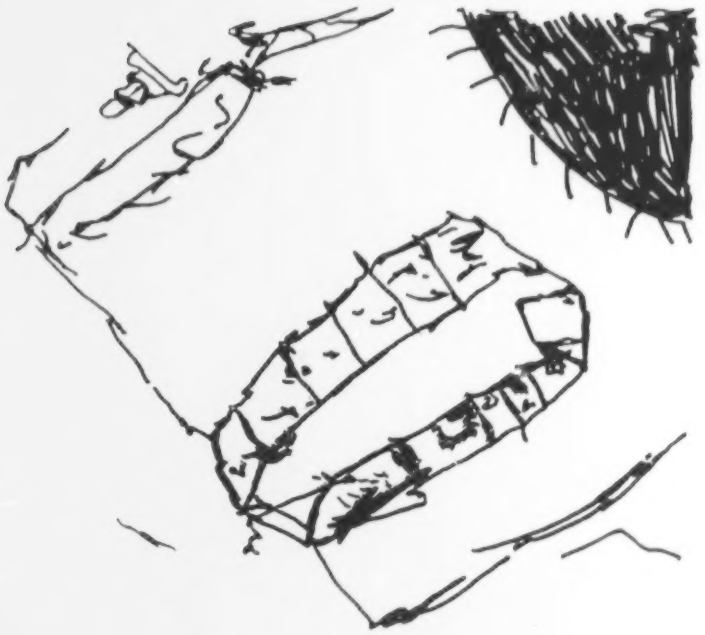

Figure 1: Drawing in plan and elevation by 11 year old boy in Lima (collected by ENNEW, 1992)

daughter of an English friend responded with scorn to adult perplexity: "It's a map, of course!". And indeed it is: a plan of the callejón, or alleyway, in which this boy lived, embellished with a number of important details, such as how many people lived in each one-roomed dwelling.

Since then, much time has been saved, twisting paper round to look from all angles. If you don't know what a child's drawing depicts, the answer is, ask another child! At least one other social scientist has made the same discovery.[23] The point is that children are not yet completely caught up in the conventions of two-dimensional representation. They have a creative ability to make the world strange, which they share with only one group of adults – visual artists. In the case of the drawing of the callejón, most adults become so involved in the convention of vertical elevation in the representation of the sun (itself an acquired convention) that they fail to see that the callejón is represented in plan. It is particularly interesting to note that the eleven year old boy who drew this picture was unlikely ever to have seen a plan drawing.

Nevertheless, using children as research assistants is only going halfway to giving

[23] Verbal communication, Sally NYANDUYA-BUNDY.

children a voice. The main objective is surely to enable them to give testimony in such a way that the influence of adult power and authority is removed to the maximum extent.

Questionnaires and formal interviews, which are of limited use in any sociological enquiry, are particularly useless in the case of children. They are far too accustomed to having answers put in to their mouths, as the following pastiche of a typical adult/child "interaction" shows:

> Hello Sonny! Haven't you grown? Do you like school? I expect you hate maths. I bet school dinners are horrible! But these are the happiest days of your life you know. What's the matter? Cat got your tongue?

How can a child find, let alone use, its voice under such a bombardment, with no space or time allowed for the personal opinion of anyone other than the adult questioner? An adult adult pastiche is almost unthinkable:

> Hello friend! Don't you look well? Do you like Brussels? I expect you find it expensive. I bet you like the food. It's the centre of Europe you know. What's the matter? Don't you speak English?

The normal form of adult child "interaction", which is all action by the adult and no interchange on the part of the child, makes an adult child questionnaire a particularly suspect tool. It is suspect because, under current circumstances, adults can only draw on their own reconstructed "Childhoods" when deciding what issues are relevant to children. It is suspect because the conceptual structures of adults and children differ. It is suspect because, although adults draw up questionnaires and policies for children, in the best interests of the child, these interests are not necessarily those articulated by children. The adult argument in this case is that children are intellectually immature and should be protected from making mistakes. However, as Bob FRANKLIN points out, children also need to be protected from mistakes made by adults, with the best intentions in the world, in the children's best interests.[24]

The research carried out by Virginia in 1990 involved an empirical study of United Kingdom school children in work outside school, and she based this on data collected in two parts of England.[25] The Birmingham part of her research was complementary to a project organised by the Birmingham Education Department in conjunction with a non-governmental organisation called the Low Pay Unit.[26] All researchers held children's concerns as central and the latter project aimed to show the inadequacy of child labour legislation in England and Wales. The main research tool for the Education Department study was a survey questionnaire, which found a good deal of evidence that children were exploited, many working illegally and in unsuitable conditions. Virginia's methodology, which was more child-centred, often gathering data from the same schools, found similar results with respect to economic activity. It also added another dimension, showing that children themselves did not wish to be protected from working, but rather from exploitation at work. Many

[24] FRANKLIN, 1986, p. 33.

[25] Birmingham, and a district of Cambridgeshire.

[26] MORROW, 1992 (a); POND and SEARLE, 1991.

seemed to consider the right to work as important. Some thought that they should be allowed access to a greater variety of employment opportunities than is currently permitted between the ages of 13 and 16 years. But, as one twelve year old girl stated, the conditions under which they are employed could be improved:

> Children shouldn't be treated as cheap, slave labour on markets or (supermarket) checkouts.
> We are decent, hardworking employees, just like everyone else.[27]

The methodology used in Virginia's study was the same as that used in Jamaica and Lima.[28] It was used in the context of collecting information about child workers, but could be adapted to cover a variety of issues. It is blindingly simple and has the advantage of producing both qualitative and quantitative data. But we would add the caveat that it should only be used in the context of a variety of other data collection methods, otherwise interpretation could produce biases as harmful as those that so often result from over-reliance on questionnaires.

Our main research tool is a free-form essay, written in normal school time, with the title "What I do when I am not in school". In the case of children's work, it avoids problems that surround the association of the word "work" with formal wage labour, and allows the child's economic activities to be seen in the context of other activities construed as important by the child: sport, reading, lazing about, "doing nothing", seeing friends, caring for pets, to name a few examples. The essays are anonymous, and only prefaced by details such as age, gender, school grade and other relevant details. Other aspects that are culturally relevant can be added. In the Lima case, for example, place of birth was targeted because rural/urban migration was one determinant given in the received wisdom for a child's early recruitment to the labour market. In fact, data from over 3,000 Lima schoolchildren revealed the opposite to be the case.

The essays are then subjected to a "reverse questionnaire". After reading the scripts, a number of key variables are selected to enumerate specific instances. Types of economic activity were, of course, top of the list. But the essays revealed other unforeseen variables. To use just one example, in the Jamaica case, children frequently referred to the cultural concept of "the sufferer", and also to an idea, clearly derived from the inculcated values of schooling that, instead of "idling" outside school, they should be involved in "something constructive".[29] The parallel, but very different, incidence in Peru was an oft-repeated assertion about family happiness.[30]

Computer analysis of statistical data from these large samples (2,146 in Jamaica; 3,096 in Lima; 750 in the United Kingdom) showed surprising deviations from what many questionnaire surveys might be aiming to prove. In all surveys, for example, boys were substantially involved in child care and housework, even though this was not to the same extent as girls.[31]

[27] 12 year old girl, Cambridgeshire.
[28] MORROW 1992 (a); 1993 (a).
[29] ENNEW, 1982 pp. 199-200.
[30] ENNEW 1985.
[31] ENNEW, 1982 p; ENNEW, 1985 p; MORROW, 1992 (b).

Moreover, at least in the cases of Lima and Jamaica, children from single-parent families were no more likely to be involved in work outside the family than children in nuclear families, although there were differences between mother-headed and the small, but significant, number of father-headed families. The essays in the United Kingdom sample mentioned domestic duties in connection with maternal participation in the labour force, but not in the context of single-parent families. The children would simply write something like "Mum and dad both work, so I help at home". In both Jamaica and Lima, the children most vulnerable to working long hours, often in more than one job, were those living with, and often caring for, a grandparent, and these were frequently children with at least one, living, natural parent. A small number of English children mentioned helping grandparents, but the surprise in this data was the extent to which children were caretakers for younger siblings or other relations.

Besides these unexpected, but statistically significant, findings from the computer analysis, the essays also provided a rich source of qualitative data. Perhaps the most important overall theme, in all three data sets, was the attitude of working children towards their work and their families. Many children were clearly proud of the contribution they made to family survival or individual autonomy, and took pleasure also in being able to do a job well.

A further advantage a free form essay has over fixed questionnaires, or even informal interviews, is that it can provide an indication of the relative importance of different activities in children's perceptions of their own lives. Thus, in Jamaica, the order in which children mentioned activities was invariable, no matter whether the child lived in rural, urban or metropolitan setting. The priorities were: my family and domestic duties first, my school work second and my own pleasure last.[32] No such prioritising was notable in the Peruvian sample, although a wider range of activities was mentioned by those children who had time to spare outside school, home and work and there was a strong emphasis on the importance of mothers in these children's lives. In the English data, in comparison with other samples, there was comparatively less mention of family members among older children but a clear importance of pet animals in children's lives, particularly for younger children.[33] Animals feature strongly in all samples, and tend to be mentioned in terms of the care children give them. It is interesting that childhood (at least in the industrialised west) is defined as a period of incompetence, and thus being unable to exercise responsibility. Some of the "things" English children are given responsibility for, often with a didactic purpose, are their pet animals. In Jamaican rural areas, the child/animal relationship was clearly also being used with socialisation in mind. However, instead of being a net cost to the family as is the case with a pet animal, the animals for which Jamaican children had responsibility were obviously intended to be an additional source of income for the family, either as food or as a market product.

In all three samples, children seemed to have no anxiety about mentioning illegal working activities, and there was little evidence of children trying to please teachers, or boasting, or copying, although isolated, and very obvious, cases of these did occur.

[32] ENNEW and YOUNG, 1981, pp. 36-7.

[33] MORROW, 1993 (b).

The problem with the method of course, is that it depends on children being in school, and being at least basically literate. Nevertheless, even those with a limited level of literacy or a lack of confidence in their writing abilities seem quite happy to provide a list of activities. Sometimes a simple comment can be more meaningful than a long screed. One exhausted young adult, in the early primary grades of evening class in Lima, responded to the request for an essay on "The History of My Life" with two words: "A problem".

Younger primary school children, and those who finished the essay before classmates because of speed, disinterest or lack of writing ability, were encouraged to make a drawing. Sometimes this would have the same title as the essay "What I do When I am Not in School". As Figures 2 and 3 (from Jamaica) show, these could

Figure 2. Drawing by Jamaican Primary School child: activities from the top, clockwise: flying a kite, getting water from a standpipe, selling in the market, climbing a tree, carrying wood, caring for a goat, inside (home school?), carrying a load, caring for a goat, sweeping (collected by ESSEW & YOUNG, 1980)

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Figure 3. Drawing by five year old Jamaican child, showing the size of the tasks of sweeping and cooking (collected by ENNEW & YOUNG, 1980)

provide results that were amenable to quantitative analysis. Alternatively, drawings could reveal a good deal about other central concerns of a child's life. These could be surprising. As Lima is a large urban sprawl, nearly 40 kilometres from north to

Figure 4. Drawing of "my place in Lima" (collected by ENNEW & PAREDES, 1992)

south, some children were asked to make a drawing entitled "Where I live in Lima", to explore their relationship to urban space and the geographical range of their knowledge of the metropolis. The pictures produced fell into two groups. One reproduced children's concern to place themselves in the scheme of things, often heavily influenced by the current Peruvian-centred geography curriculum. Their home was placed visually in Lima, or Peru, and occasionally South America (Figure 4), in the same progressive way that we as children tended to write on the flyleaf of our books:

> Jill Brown, 12 New Street, Oldtown, Greenshire, England, Europe, The World, The Solar System, The Universe.

Nevertheless, the vast majority of children and in particular those from Central Lima, showed a far more personal spatial relationship to an especially child-hostile urban environment. These children drew their place in the world as a map of the route between home and school, with particular reference to such vital issues for survival as the direction of traffic flows, shown in precisely-drawn arrows (Figure 5, next page).

In the United Kingdom case, younger children in the sample were asked to draw pictures of their families, and several did so, often including their pets as family members.

Although our use of drawings was unsystematic, it indicates that drawings may be one way of cutting across not only lack of literacy skills but also lack of oral skills and verbal confidence in this muted group, in order to discover the perceptions that lie buried under the debris of adult preconceptions. Yet sociological analysis of visual data of this kind is in its infancy, and there are only a few examples of imported methodologies from psychology, where drawings are frequently used in therapy and measurement.[14]

Drawings have been used extensively with children traumatised by adult armed conflict. One could mention Sally NYANDUYA-BUNDY's work with Mozambican children in refugee camps in Zimbabwe; Radda BARNEN's studies in Lebanon and Palestine; the publication of Save the Children (UK) on children in African war zones; TIPACOM's collection of drawings made by child victims of violence in Peru. But these tend to be unanalysed collections. There is, as yet, little attempt to do more than display the items of evidence, in the same way that testimonies of adult "tradition bearers" or witnesses are endlessly collected and meaninglessly published in oral history, as if the act of collection were, in itself, an act of verification and justification.

Used sensitively, in the context of participant observation, even psychological tests can produce sociological results that challenge received wisdoms about children. In his study of street children in Cali, Lewis APTEKAR used a modified Human Figure Drawing test, to check children's emotional and neurological functioning. In this test, children draw their best possible picture of a man and the results are scored for a range of mental health attributes.[15] APTEKAR's study was one of the first attempts to challenge the assumptions of mainstream and journalistic writing about street chil-

[14] See for example APTEKAR, 1988.

[15] APTEKAR, 1988, pp. 20-23.

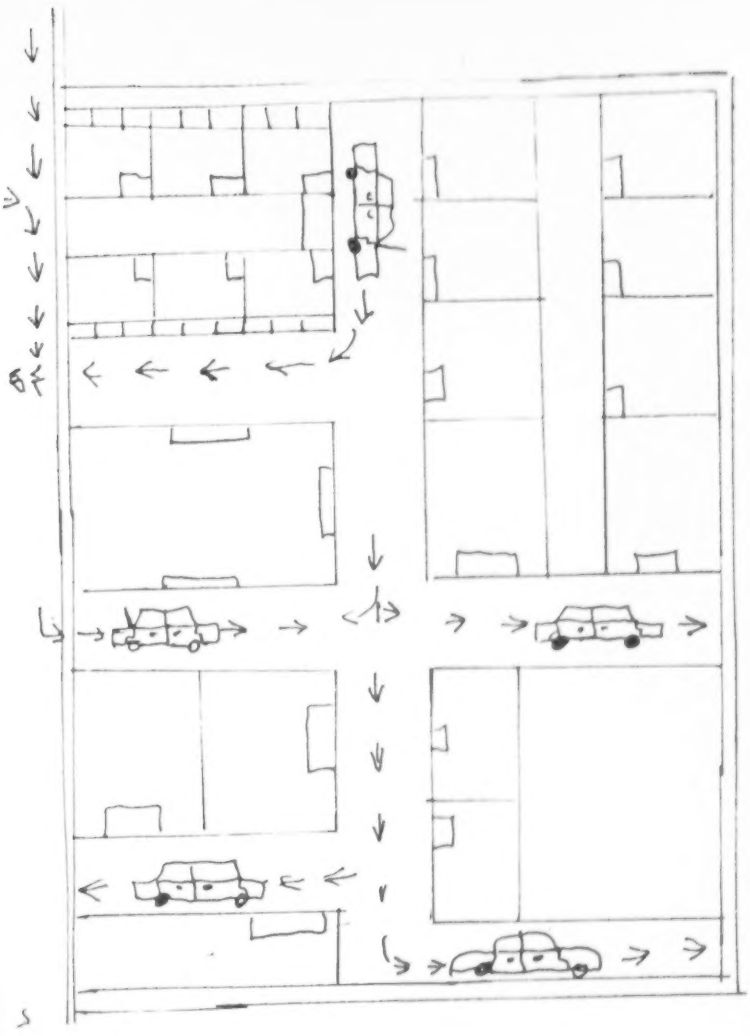

Figure 5. Drawing of "my place in Lima" (collected by ENNEW & PAREDES, 1992)

dren, which state that they suffer from acute psychological problems that may totally preclude their eventual rehabilitation.[16] APTEKAR's apparently surprising result was that, on several test items most particularly self esteem, a significant number of street children scored better than their contemporaries in the United States, and few re-

[16] See ENNEW 1992 for a discussion of this.

vealed the low scores expected. By combining this methodology with other psychological tests, observational fieldwork and longitudinal case studies, APTEKAR was able to suggest that 42.9% of the older street children he studied in Cali had minimal needs for intervention programmes, that a further 33% needed occasional crisis intervention, and that under a quarter would probably require lifetime support. Moreover, it was possible to argue that some children in this last group might be on the street because their needs were so acute, rather than having developed severe problems through street life.[37]

The only systematic attempt at sociological analysis using children's drawings that we are aware of, also challenges adult, mainstream assumptions about children who live on the streets. This is the method developed by Jill SWART and Chris WILLIAMS with the "malunde" of Hillbrow, a district of Johannesburg.[38] It was designed, inter alia, to test the widespread view that it is in the moral sphere that street children are believed to be most at risk.[39] SWART and WILLIAMS first surveyed the attitudes of respectable Hillbrow residents and found that 86% believed that street children have different moral attitudes and that 79% thought they would become criminals, drug-addicts and drop outs. As a result, some 12% considered that the children should be annihilated, sterilised or deported.[40]

In the context of long term, action-oriented ethnographic research, SWART and WILLIAMS held thematic drawing sessions in which children were asked to divide large sheets of paper longitudinally in half, and draw as many pictures as they could of people doing good things on one side, and of people doing bad things on the other (Figures 6, 7, 8, 9). When they considered the pictures alongside discussions with the children, they found that altruism figures strongly as a good attribute, sometimes represented as mother love (Figure 7), at other times as reciprocal assistance between friends. Characteristics of badness included (in the following order) physical violence, killing, stealing, cruelty to children, abuse, police violence and injustice, dangerous driving, cruelty to animals, general criminality, disrespect. This list not only shows the children to hold somewhat mainstream moral values, it is also comparable to a series of studies carried out with English children in the mid-1960s, of which SWART had been unaware when she first analyzed her own data. The English list of bad characteristics read: stealing, murder, physical cruelty, cruelty to animals, lying. As SWART comments, "The categories of cruelty to children, substance abuse, police violence and dangerous driving appear to reflect a street versus a sheltered existence, since they are categories of a badness" familiar to the street child.[41]

From our perspective it is interesting to note the category of cruelty to animals featuring in both lists.

In the United Kingdom case, Virginia asked children who finished their essays early

[37] APTEKAR, 1988, Chapter 3.
[38] SWART, 1988-1990.
[39] SWART-KRUGER, 1993, p. 2.
[40] SWART, 1988, p. 189.
[41] SWART-KRUGER, 1993 p. 12.

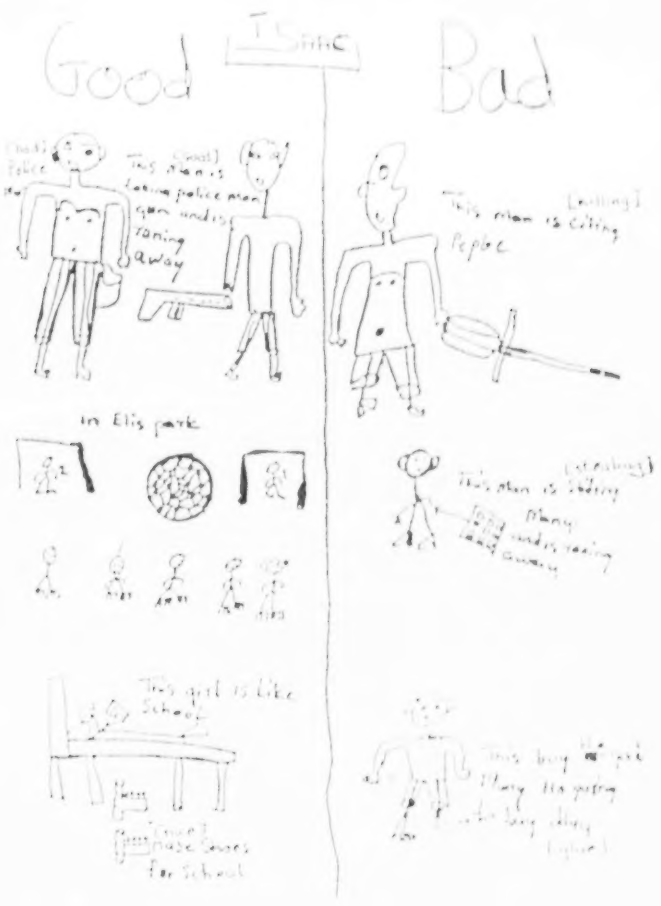

Figure 6. Goodness and badness, by a street child in Johannesburg (collected by SWART & WILLIAMS, from SWART 1988, p. 250)

to list what they thought children's rights should be, without explaining the concept of rights or mentioning the Convention on the Rights of the Child. Over 60 children, ranging in age from 11 to 16 years, responded to this task. The data revealed a similar reflection of lived experiences, and also the feeling many children seem to have of smarting under injustices. One way or another, all the Articles in the 1989 Convention on the Rights of the Child are covered by what the children said in their essays, with the exception of the right to love and happiness, which is in the Preamble. Above all they seem to be asking for another of the provisions of the Preamble, the right to understanding. The children's main concern seems to be with being respected and trusted, rather than loved – they want to be regarded "as people".

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Figure 7: "Altruism" in four examples (collected by SWART & WILLIAMS)

Figure 8. "A very bad man" Johannesburg street child, (collected by SWART & WILLIAMS)

This big man
He comes in the night
To where we sleep
In Eldorado Park.
He is a tsotsi*
He has a knife.
He push it in a boy.
He die.
(* gangster)

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Figures 9 and 10: "A very bad man", police and violence against street children (collected by SWART & WILLIAMS)

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There are a few prescriptive lists: "children should not stay up late, should not swear etc." (11 year old boy). Contrary to many British fears that children's rights might lead to a "Lord of the Flies" anarchy, very few of these children seemed to desire total freedom, although there are examples of this:

"Go to bed any time you want" (13 year old girl);

"Allowed to go to bed at what time they want" (13 year old boy);

"I think children of my age should have jobs not go to school" (15 year old boy);

"Have no homework or not as much anyway" (11 year old boy).

Many complain of what Pink Floyd called the "dark sarcasm in the classroom". They ask that teachers should not be sexist or racist, they should stop being hypocrites: "treat us as pupils, not little machines that aren't allowed to forget books, or as things they can take their bad moods out on" (12 year old girl). "We go to school to learn", commented one 13 year old boy, "Not to be punished".

Many children in Virginia's sample requested rights of provision, to clothes, food and pocket money but, as often as not, in the context of being allowed to chose what to wear and what to eat. Some asked for clear government rules about the rate of pocket money, related to age or even to the level of statutory child benefit. In this category, there were also pleas from children under the age of sexual consent for access to condoms and other contraceptives. A very eloquent request form a 15 year old girl concerned the right to information about drugs:

> More educational provision should be given to bring people's awareness to the dangers of drug abuse especially hard drugs, as they are becoming easier to get hold of. I was offered some drugs at a party, I may [might] have tried some if I hadn't had some education previously on drugs. Just about 2 weeks before I had done a [school project on drugs]. Up until then I didn't have all that much understanding about drugs. The work I done was very useful – as I also convinced three other people not to try it!

Very few of these children requested the right to vote, but all those who mentioned voting had clearly given some thought to the matter:

> Children should be taught more about politics and how money works (12 year old girl);
>
> Children should be allowed to vote – have more say in things... should be able to stand up in court and fight for their own things... without their parents doing it for them (13 year old girl);
>
> Children should be allowed to vote but in their own polling station (15 year old boy);
>
> We should be asked our opinion. Even if it is not taken into account it would be nice to be told what is going on in elections (13 year old girl).

Above all, the voice that resounds through these essays is one that feels it is seldom heard and, if heard, usually discounted. The right to be heard, to be consulted, fea-

tures very little in the Convention on the Rights of the Child and yet, on this evidence at least, appears to be felt as the greatest injustice. Adults not only "boss children around" according to one boy, they are also "hypocrites" who "tell you off for something and then do it themselves" (11 year old boy). These children would like to be able to "go to the headteacher and put sensible suggestions to her or him" (13 year old girl), or to have "a right to say something in family decisions" (13 year old girl). They ask for "decent" teachers "who will take your word" (12 year old boy), the right to "stick up for ourselves against our parents and not get told off for doing so" (13 year old girl). "We are people too", speaks out one voice, "And shouldn't be treated like low life because we are younger"... "I think [children] deserve the same sort of respect that we are expected to give to so-called adults"... "The world should be open to us" (12 year old girl). Because, joins in another "it's our life and our future" (15 year old girl).

We have shown, we hope, that academics, whether they are social anthropologists, sociologists, lawyers or psychologists, can, and indeed must, pose questions about children's lives. There are large gaps in both empirical and theoretical literature on childhood, to say nothing of policy documents for child welfare.

Academia is essentially about adult concerns, and academic literature is written from adult perspectives and standpoints. As such, of course, it only reflects the society in which it is located – a society dominated by the concerns and beliefs of powerful groups of adults. We can, and should, find ways of incorporating children's accounts of their experiences and perceptions into discourses about them, so that they can begin to participate where now they are excluded.

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DO THE RIGHTS OF THE CHILD BRING CHILDHOOD FROM THE PERIPHERY TO THE CENTRE OF SOCIETY?

Marjatta BARDY*

One of the leading principles of the Convention on the Rights of the Child is the primary importance of the interests of the child in society's decision-making. The Convention is a significant attempt to get children's issues, from many sides, onto the political agenda. The follow-up of the implementation of the Convention permits long-term development in which the exchange of experiences is of importance. Detailed pragmatic programmes and reports on the rights of the child increase awareness of the opportunities and problems in the implementation. The exploitation of the legal machinery is an ambitious task. Placing the rights of the child on as high a constitutional level as possible, and working out pertinent educational programmes where research is digested in the process[1] are of great importance.

A concerted effort was made to raise the priority of childhood in society back in 1979, with the International Year of the Child (IYC). The Convention, now at hand, is the major result of this special year. But has the position of the child population strengthened within politics? Scepticism is unavoidable. Looking back over past experience I would argue that the shift of childhood from the periphery towards the focus of politics is blocked by structural obstacles that call for no less than a reconsideration of the basic premises of the prevailing civilisation.

1. FRAGMENTATION OF POLICIES

Having done field work in child welfare, I looked on the International Year of the Child as a great challenge and as an opportunity to improve the conditions of children. As secretary of the Finnish Committee I learnt a lot, especially later. The Committee[2] proposed, among many other things, a national system for monitoring children's rights and living conditions. The proposal reflected the wish of a society

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[1] The Child Convention was widely explored, substantially and instrumentally in a recent meeting that is reported: HELIO, P.L., LAURSEN, E., BARDY, M. (eds): Politics of Childhood and Children at Risk. Provision – Protection – Participation. Eurosocial Report Nr 45/1993. Especially the contribution by Eugeen VERHELLEN is reasoning for the options of the pertinent utilization of the Convention.

[2] Kansainvälisen Lapsen Vuoden 1979 Suomen Komitea. 1980:23. Helsinki 1980. (The report of the Finnish IYC-committee).

where the needs of children are taken into consideration at all levels. The idea was not to construct any new institution but to create a multisector platform at a high hierarchical level for the coordination of decision-making so that the responsible planners and leaders would be obliged to take into account the interests of children and their families in everything they do.

The proposal was based on the notions that the policy is incoherent; one sector or one decision is trying to take care of the needs of children, and the second destroys the expected positive consequences of the first. Each sector tries to carry limited responsibility for the specialised restricted aspects, and nobody is concerned with the whole. The fragmentation of the planning and decision-making processes also became evident when all the ministries and other important public bodies were asked to comment on the programme prepared by the IYC Committee.

The proposal for the monitoring system was a genuine attempt to raise the priority of childhood, but it withered away. It did not succeed in rousing enough response, though in principle it got a positive reception. I would venture to claim that no long-lasting changes have been perceived in the decision-making processes for getting childhood away from the periphery of policy during the past decade. This is not to say that children's services have not been developed; on the contrary. In Finland the network of day care rapidly widened in the 80's. The child and family legislation was modernised. Extra efforts like the IYC certainly increased people's awareness of children's needs and rights and probably sparked off processes of development, for instance, in children's institutions. On the political agenda, family policy, day care and schools are related to childhood, and even in these fields the reforms and debates have been mainly connected with the interests of various groups of adults.[1] Now, during the deep economic recession, schools and day care have been the first targets in cutting the resources. The wider look at childhood or the child population is sporadic, elusive, short-lived and adultist.

As a rule of thumb: it is a good thing, in principle, to be active in children's issues provided no extra costs are involved and the power constellation remains unchanged. The first priority of children's needs and rights is not guiding the political practice. Moreover, I can hardly imagine that any committee today would propose a system where the consequences of all decision-making in society must be considered from the child's point of view. This is perhaps due to the increased sense of "realism".

2. STRUCTURAL LOCATION OF CHILDHOOD

Isn't the location of childhood on the political periphery actually a self-evident and logical consequence of the social position of children? Children as "not-yet-being" are placed in the family, day care and schools to mature into members of society. Childhood is ideologically perceived as a private and family issue. The dependency of minors, their minority status and socially marginalised position are nowadays

[1] The Nordic experiences of the IYC are reported in Barnåret i Norden. NU A 1980:9. Stockholm 1980 – the adult-orientation is indicated e.g in KOHLER, L.: *Barns hälsa och välfärd i Norden*.

being studied and discussed.[4] Actually, it is no wonder that children's issues are on the political periphery.

It is not a question of "bad will" but of structural obstacles. The fragmented policy and administrative machinery are "inherently" rejecting topics that do not bend to the specialised issues of a certain social sector. This state of the art is depicted as structural indifference.[5] Childhood and the highly compartmentalised social order are like different blood groups; they reject each other.

In 1979 the Finnish Ministry of Finance was not in favour of the suggested model of the system for monitoring children's status I mentioned, but it did in principle consider the idea important and suggested some constructive alternatives. In 1993 the same Ministry was requested to make a statement concerning the follow-up of the Convention on the Rights of the Child. This time the answer was a very short one: "the Ministry of Finance announces that it carries no obligations such as those referred to in the request for a statement." Full stop. A straightforward indication of "structural indifference".

3. TO SPEAK TO THE HUMAN MIND?

Structural obstacles make it difficult to place children's issues in the centre of politics, but this does not mean that childhood ceases to arouse interest and concern. A shift in the nature of the social tools for expressing interest has taken place: a move from state reports to research.

More national reports on the living conditions of children and young people[6] were published in Finland in the late 70's and early 80's than ever before or since. The reports dealt with the overall situation of children as well as culture, day care and so on. These reports were addressed to the government or to the other state bodies indicating the needs for reform. There has likewise been a fall-off in the reports. But investments in child research increased during the last years of the economic upswing. The ITLA was founded in 1987 for childhood research, and the first studies started under the general theme of childhood in the welfare society. The Finnish Academy of Science produced a childhood studies research programme in 1992 and distributed funds for its realisation, for the first time in history.

Interdisciplinary research groups or networks on youth and childhood have been set

[4] A major body of the sociological childhood research is to be found in Childhood as a Social Phenomenon (1990-1993): Eurosocial Report 36/0 – 36/19 Vienna, European Centre; and: QVORTRUP, J. et al. (eds); Childhood Matters. Westview/Campus. Forthcoming.

[5] The concept ("strukturelle Rücksichtslosigkeit") is used e.g by KAUFMANN, F.-X.; Zukunft der Familie. CH Beck. München 1990, and see QVORTRUP, J.; Children at Risk or Childhood at Risk – A Plea for a Politics of Childhood in HEILIO, P.-L. et al. (eds); *Politics of Childhood* ..., as in the note 1, and also ENGELBERT, A., BUHR, P.; Childhood as a Social Phenomenon. National Report of Federal Republic of Germany. Eurosocial Report 36/10/1991.

[6] BARDY, M.; Selvitys lasten asemaan ja oikeuksiin liittyvän päätöksenteon kehittämisestä. Valtioneuvoston kanslialle maaliskuu 1981. (An unpublished report on the development of the decision-making concerning the children's status and rights).

up in recent years. We may well state that childhood research has been increasing both quantitatively and qualitatively, and new openings are being made. Multidisciplinary forums are being sought, new disciplines are becoming interested in childhood, and a move from an expert-adult orientation to the increased participation of children can be observed. The new boom of childhood research is an international phenomenon.[7]

Can research pave the way for childhood to move from the periphery to the centre of politics? The new investments are slowly bearing fruit but are not yet very visible or established. Attempts are being made to improve communication between research, practice and policy. Research is not of primary importance in policy making, and vice versa. The procedures for conducting research and for making policy are quite different. The mental and spatial distance between them is considerable. The road which leads from reality to research to problem analysis to policy advice and which ends in action is,[8] however, extremely complicated in the fragmented social order. The communication of various schools of thought is cut off even within one discipline. Moreover, the requirements of the academics and the keen competition do not encourage the building of bridges between different social sectors.

On the one hand, the growing trust in science may reflect a waning trust in policy, and thus frustration at producing state reports on children's conditions. In the long run, the expansion of research may condense the social climate in a way that promotes a "child-awarenessed" culture in politics. But it can hardly happen without intermediating efforts. Moreover, the excessive belief in science, a kind of "scientism", is a questionable tutor of policy.

Perhaps basically we should ask: do the contents of policy and science speak to the human mind deeply enough in order to be able to communicate over the boundaries of the compartmentalised social order? Mental mind. Deeply and over. To communicate the boundaries. I would highlight this matter by some analogies and metaphors outside the field of childhood but connected with some other phenomena that also appear to suffer from "structural indifference". These phenomena are the culture of human rights, multiculturalism and ecological modernisation.

4. ETHNICITY – NATURE – CHILDHOOD

The rights of the child are part of the wider body of human rights. The violation of the rights of women is an accepted problem that was on the agenda, for instance recently at the conference on human rights in Vienna. The implementation and monitoring of the human rights of indigenous peoples, and many ethnic groups and refugees face serious problems. The provision of rights and the distribution of power and resources are biased according to gender, ethnicity, age and social class. The arenas

[7] See e.g. new arenas of childhood research: CHILDHOOD – A global journal of childhood research published in association with the Norwegian Centre for Child Research starting in 1993. YOUNG-Nordic Journal of Youth Research is starting in 1993, too.

[8] HOLZNER, B., DUNN, W.N., SHAHIDULLAH, M.: An Accounting Scheme for Designing Science Impact Indicators. Knowledge vol 9 Number 2 Dec 1987. Sage.

and strategies for improving the implementation of the rights of each of these "minorities" are mainly separate. The cultivation of the culture of human rights is an ethos expected to penetrate to all parts of the administrative and policy machinery.

Consequently, multiculturalism is the official goal of many civilised states. Equality, freedom of choice and partnership are or have been the ideological materials in constructing multiculturalism. Behind the policy of good aims lies a more complex reality easily concealing the structure of power underlying racial, ethnic, gender and class inequalities,[9] and for sure, also generational inequalities. The rhetoric of good aims is similar concerning all those groups whose interests are voiced or heard insufficiently, and so are the problems and paradoxes of the policies. The similarity does not exclude a variety of divergences as to different "minorities". So, there is a temptation to wonder whether basically the same roots are producing marginalising effects for the majority of the people. How can we gain access to them?

Let us try to take a step further by adding nature to the waiting list of new political priorities. The idea of "sustainable development"[10] was generated by the ecological crisis. The diversity of nature urgently needs to be protected, and the modes of consumption and production changed throughout society. The implementations of "sustainability" must penetrate every sector of human behaviour. "Ecological modernisation" must find a way from the periphery to the centre of international, national and local politics – throughout the administrative and political machinery.

The concepts of sustainable development are defined in very different ways; the various definitions emphasise ecological, economic, social and cultural dimensions. The growing awareness seems to indicate no less than a societal learning process, even promoting a new model of civilisation. The societal and cultural relationship with nature is reshaping: the dualism of nature and culture must be overcome.[11]

5. THE BASIC PREMISES OF CIVILISATION

The legitimacy of the exploitation of nature has been based on a dualism by which nature is an object to be won. As a basic feature of our culture it has also shaped the relationship with the human mind. This leads me to draw analogies between nature and childhood. Socio-economic relations with nature are manifest in production, also organising the social placement of the child and adult generations. Cultural

[9] ÅLUND, A., SCHIERUP, C.-U.: Paradoxes of Multiculturalism. Essays on Swedish Society. Avebury. 1991.

[10] Originally, the concept "sustainable development" was launched by the so called Brundtland's commission: Our Common Future. World Commission on Environment and Development 1987. Oxford University Press – and it was rapidly adopted in the political discourse, see also UNCED 1992 Rio de Janeiro.

[11] Within the social sciences "sustainable development" is approached by developing "uniting" concepts like "ecological modernisation" (MASSA, I., SAIRINEN, R., Ympäristökysymys. Gaudeamus. Helsinki 1991) or "life politics" (GIDDENS, A.: Modernity and Self-Identity. Polity Press. Cambridge 1991) or "political ecology" (HAILA, Y., LEVINS, R.: Humanity and Nature. Pluto Press 1992).

relations with nature and childhood are at the core of society. In some respects they are similar, and they well forth partly from the same kind of human and social impetus. Both renew life and reproduce society. They are the target of caring, of ennobling and refining. Both are charged with strong, deep emotions. They are loved and praised, but also destroyed and violated, protected and saved. Nature and childhood offer a surface for reflections of hopes for good and better, pure and wild, even free. On the other hand, nature and childhood are as raw materials: their refinement has become a long and complicated process. Making goods from nature and developing from childhood to adulthood are the work of many highly professionalised experts.

The relationships with nature and childhood spring from deep down, they are visual, made up of images, of non-verbal sensations. Open dialogue respecting the flow of free associations promotes the creativity we need in exploring what unites seemingly different phenomena.[1] But the flow of free associations is not encouraged in either science or politics.

The reflections of dualism are deeply rooted in our civilisation, and they appear as a sharp distinction between emotion and intellect, between objectivity and subjectivity, science and art, female and male, child and adult. One hypothesis is that the dualistic pattern of thinking and acting is a crucial source of "structural obstacles" that rejects such topics as human rights, multiculturalism and sustainable development, pushing them to the political periphery. Topics requiring a comprehensive, all-pervading approach are met by technocratic rationalism. Consequently, rhetoric is on the increase because so much has to be left unsaid. Technocratisation and rhetoric may together prevent us from getting to the heart of matters and from seeing what is really happening.

The Convention on the Rights of the Child stresses that the State Parties shall undertake measures for children "to the maximum extent of their available resources". Was the statement made in the firm belief that it can be achieved in the near future? Why do we seem to be drawing further away from the objective, instead of nearer to it? Why does the goal not appear even probable?

In 1990 the leaders of the world held a summit meeting in New York on the rights of the child, and stated: "Progress for children should be a key goal of overall national development". It was the largest meeting concerning children ever held so far. At this meeting the leaders promised that measures to improve the situation of children, especially in the developing countries, would be made more effective. Less than three months later the UN Security Council permitted the start of war in the Persian Gulf. This war killed children, too, and it took money that was badly needed for the welfare of children. Moreover, the war meant ecological disaster for the people and nature.

In 1992 the leaders of the world held a summit meeting in Rio de Janeiro (UNCED) on policies to solve the ecological crisis. It was the largest meeting of world leaders

[1] An analysis of searching for common mechanisms and models in nature and society in order to overcome the socially paralysing fragmentation is given by BOHM, D., PEAT, F.D.: Tiede, järjestys ja luovuus. Gaudeamus. Helsinki 1992 (original: Science, Order and Creativity, 1987).

in history. The results were modest: we have had to be content with "Agenda 21". In any case it indicates changes throughout policies – like the Child Convention. Outside the meeting the dominant political discourse concerns ways of increasing economic growth, the production and consumption of goods.

Policies where one hand points towards good and the other towards destruction are schizophrenic.

My answer to the question in the title is as follows. Much can be done to promote the rights of children in small and pragmatic ways according to the routes available in the legal, political, etc., machineries. At the same time we need to see "behind the scenes", for instance by studying rhetorics in order to discover an implicit order, or even to acquire a sense of the generative order that may deepen and highlight anew the available explicit order.[1] In learning to live more wisely in the ecological and generational sense, i.e. to give the necessary policy priority to nature and childhood, shifts in the basic premises of civilisation, for instance, overcoming the dualistic way of thinking, are required.

[1] See footnote 12.

WAYS OF PRESENTING CHILDREN'S LIVES AND ACTIVITIES

Jens QVORTRUP*

CHILDHOOD AND THE IDEA OF GROWTH AND PROGRESS

It is interesting to observe how dominant groups in any system of domination characterise, define or label groups of lower standing. We hardly know of any societies or social systems without a differentiation in dominating and dominated, in governing and governed. We find this differentiation in terms of races, social classes, gender etc., and we certainly also find it in terms of age-gradation. There is much to be said about similarities and differences between these modes of domination, but I should like here to bring at least one conspicuous observation to your attention, which is important for the creation of images and ideologies in both the dominant group and the group of subjected. The observation I have in mind is the following: features of a discriminated group are often used as invectives and denigrating labels. So for instance one can talk about blacks, about jews, about immigrants, about women etc. in such terms, and often the labels are used even among the subjected themselves – a sign of its effective internalisation within the system of domination. This phenomenon is called "slave-mentality". So, for instance, one hears "nigger" used as an invective by one black to another. Besides this general system of communication, which is internalised in a particular system of domination, we have a specific variant, namely that in practically all systems of domination, children or characteristics derived from the child are used as labels and stigmas. Let me say a bit more about this, but already now I shall foretell my conclusion, which is that children may symbolically be seen as paradigmatic for all groups with minority status, exactly because children, childhood and labels deduced from the mythology of the child, are commonly used as stigmata for any other group in society. Why is this so, and how can it be substantiated? Basically, I think it is connected with our ideas about growth and progress.

The ideas of growth and progress are ideas of a gradual ascent from a lower to a higher state of being, from a level of imperfection to perfection, from primitivity to civilisation, from immaturity to maturity, and the *definitions* of these and many other similar terms have of course always been in the hands of the dominant groups in society or the world. We can, already from this brief list, perceive some similarities in dominant definitions between on the one hand *societies* and on the other *humans*, namely a similarity in terms of *development*. It is not only a child, that is supposed to develop according to some prefigured scheme, it is also societies. This is the difference between what we call ontogenesis and phylogenesis.

It is an ingrained feature of most Western thinking, which has now for a number of

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centuries been dominant in the world, that all societies have to pass through a succession of developmental stages, from a primitive to a highly developed, or a mature industrial capitalism. We see this scheme in both marxism and protagonists of capitalism, like for instance ROSTOW. More or less in the same way, children are, according to developmental psychologists foreseen to follow a scheme from immaturity to maturity – to the stage that is called adulthood. Interestingly, the description of even adult people in societies that are seen as primitive are – or were in a rude way – metaphorically called children. I do not here have the time to quote at length the rich arsenal of examples to this effect, so let me only mention the attitude towards Indians by Europeans who came to America. They found that Indians were at the infant stage of social evolution, that "barbarism is to civilisation what childhood is to man", and that "the replacement of Indians by whites symbolised America's growing up from childhood to maturity". The whites found that Indians were "childishly irresponsible" and "ungoverned children", which on the other hand warranted paternalistic concern in the sense that it was "not only the right but the duty of the government to take them under its paternal care, and exercise over their persons and property the salutary rights and duties of guardianship"; and finally are "the paternal interests of the whites demand[ing] the government to take Indians' land".[1]

It is not easy to say who is most seriously hurt by the comparison: the Indians while being categorised as children, or the children while constituting the model-imagery for any so called backward, primitive or immature people. There are many unsolved theoretical problems accruing from this imagery, which I cannot discuss here. The point that I want to make is in any case that childhood has come to obtain, in the abstract sense, a meaning that identifies anything that deviates from adult-normality, i.e. the undeveloped society, the undeveloped person, senility, debility, insanity etc. It was therefore probably not accidental that FOUCAULT in one of his books could define "madness" as "childhood",[2] and it is hardly a sheer mistake when we in the Danish majority law find two groups of minors: one is, of course, children, the other, all those adults who have been deprived of their majority because of insanity, debility, drunkenness etc.

The ideological categorisation of children, which I have here only illustrated by a few examples, is not necessarily malevolent. On the contrary, it obtains its specific feature in being justified in terms of its protective nature. It is exactly this combination of subjection and protection that deserves the name paternalism. But paternalism also contains a strong belief on the side of the dominant group, in our case adults, that adulthood materialises the more important, the better, and therefore the goal of all strivings – in terms of socialisation, education etc. in whichever form they appear.

Let this be enough by way of introduction. The research activities that I am involved in is not primarily about revealing ideologies or about providing philosophical explanations. But we have been forced to ask many new questions, partly in the light

[1] Michael Paul ROGIN, "Liberal Society and the Indian Question", in *Politics and Society*, Vol. 1, No. 3, May 1971, pp. 273, 290, 297.

[2] Michel FOUCAULT, *Madness and Civilization. A History of Insanity in the Age of Reason*. New York: Vintage Books, 1973, p. 252.

of our surprise, because much of the material which we wanted to present about children was simply not available. We were in other words forced to ask whether there were a relationship between the general assessment of children as cute, but profoundly incapable and irresponsible not-yet-humans or human becomings on the one side, and on the other, their invisibility in public accountings, or their being hidden in categories that are not closely connected with themselves and their own life-expressions. Is there a connection between their status as immature, materially useless, and our statistic's assessment of them as financially costly, "non-able-bodied" and "dependents", who are apparently only worth counting when necessary for making adult society function.

THE CHILDHOOD PROJECT

Childhood is now frequently characterised by catch-words like a "social construction", a "cultural invention", or as we do it in our research-project, a "social phenomenon". I shall now tell something about how we have been trying to come to terms with childhood in this perspective, and later in my conclusion draw some consequences. In the light of the interests of this seminar and the prospects of a follow-up inspection of childhood and children's life conditions, one could, as far as our project is concerned, talk about giving voice to children's own lives and activities – in spite of our culture's and our ideology's efforts to keep them mute, hidden and invisible – under the pretext of protecting them.

The project "Childhood as a Social Phenomenon. Implications for Future Social Policy" consists of 16 countries and is conducted under the auspices of the European Centre for Social Welfare Policy and Research in Vienna. The European Centre has during the 80'ies been studying different "population groups under particular social concern", among them old people, handicapped, women and young people. It was therefore natural to extend this activity to investigating children and childhood. The European Centre's "Programme on Childhood" includes on the one hand an activity concerning "children at risk" and on the other the project on childhood as a social phenomenon, and it is the project I shall inform you about now.

The project started in 1987 and is in its concluding phase. Its publication programme is practically completed, i.e. an introduction to the whole series of national reports, and national reports from each of the countries. Besides the national reports there will also be published two appendices, one on statistics about children, and a bibliography about childhood at the sociological level we have chosen. At the same time a collection of articles that do not pertain to countries, but take up substantive issues, is published.[1]

[1] See (1) Childhood as a Social Phenomenon – Introduction to a Series of National Reports. *Eurosocial* 36, 1990; (2) Authors from participating countries write National Reports in *Eurosocial* 36.1 to 36.16, 1991; (3) Statistical and Bibliographical appendices, *Eurosocial* 36.17, 1992 and 36.18,1993). All Eurosocial Reports are published by the European Centre, Vienna. (4) *Childhood Matters*, ed. by J. QVORTRUP et al., Avebury: Aldershot, 1994.

We have restricted ourselves to studying childhood in industrialised countries. One reason was that it would be a too diversified sample, if also childhood from developing countries were to be included, the other that there is a dearth of information about the condition of children in our part of the world. This holds especially true, if the focus is – as in our project – on what we understand as "normal childhood", that is to say that we are not particularly focusing on troubled children, neither do we, as it so often happens, concentrate on pre-school children. Yet, it goes without saying that institutionalisation of children as a general and objective tendency is of great importance to us, and this phenomenon also includes pre-school children.

Conceptually we distinguish between "the child" and "childhood". It is not so easy to be consequent in applying this distinction, but the point is, that while "the child" – as used for instance by psychology and socialisation and education research – is mostly interpreted in terms of the individual child's dispositions and in terms of the future of the child, i.e. as an adult, we focus upon childhood as a part of social structure as it can be observed here and now. It means that we look for parameters that in our present society define childhood – and these parameters are in principle of the same nature as those that describe adult sections of society, e.g. economic, political, social and cultural parameters. It is one of our hypotheses that childhood as a structural entity is as much part of society as are any other group formation. This is in contrast to most traditional research and policy about the child, who is generally seen as one who is eventually supposed to become integrated into society – and society in this context actually means "adult society". So, we insist that the collectivity of children in terms of the commonness of life conditions they exhibit in itself is an important formation in any society. In this context it is important to find ways and means that enable us to perceive this commonness – in terms of how children are treated, legislated for, what they are doing etc.

We have chosen five topics for elucidating childhood in modern society. Firstly, we look at children in the population structure, secondly we are interested in children's activities, we are thirdly focusing upon the economics of childhood, and fourthly upon distributive justice towards children, and finally we have also looked at the legal status of childhood. I shall not systematically take up all these topics; in particular I will leave out the legal status of childhood, since many others in the present series of seminars focus on this. Let me only say, that this area is one, that clearly demonstrates the commonness of children in contrast to adults in that all children are minors in the judicial sense, while all adults are majors – a very important dividing line that is in need of much more economic, political and social interpretation.

CHILDHOOD IN THE POPULATION STRUCTURE

The demographic perspective is interesting both at the macro-level and at the level of the family. It is indeed one of the most conspicuous facts about the development of childhood during this century, that its share of the population has been reduced radically. When we in our project talk about marginalisation of childhood this aspect is indeed remarkable, since it indicates a quantitative marginalisation that is unprecedented in history. Children used a century ago to constitute more than a third of our

European populations, now this share has fallen to less than one fifth in many countries. The interpretation of this fact differ. Somebody will have it that it demonstrates a growing concern for children, a chance to concentrate more on one or two children and thus enhance the opportunities for children to succeed in adult life.[4] This interpretation is typical for what I mentioned before – the forward looking or anticipatory view, that does not measure the life conditions of children, while they are children, greatest importance but rather think of childhood conditions in terms of children's future adulthood. Empirically this view may not be wrong, but it is necessary also to think of other perspectives. In my view the declining birth rate is a signal of a declining interest in children or, if you like, of the descent of children to a lower ranking at the list of adults' priorities. Whether we think in terms of money, time or career, parents have in our days less surplus to care for several children. One important reason for this interpretation is of course that children are still largely understood as parents' property, responsibility and liability, while in fact the changed realities would rather give room for perceiving them as an asset for society as a whole.

Another implication of the reduced child population is a weakening of childhood in its struggle for resources – both economic and political. In particular because the development is followed by a growing old age population it will become more and more difficult for children to claim their share of societal resources, since the demographic development also means that it is a diminishing part of the electorate that have children with them at home, and thus take an immediate interest in acting as a political pressure group on behalf of children. In any case, I contend that childhood as a population group interacts with other population groups in society, and it is important to look at childhood in this perspective. If the perspective is restricted to the single children in families, we come to ignore this societal struggle between generations.

The consequences of the population development has an impact also for family life. It is noteworthy that neither statistics nor family sociology have been interested in finding out about the scope of this question. Children have only in exceptional cases been counted themselves, while the typical method has been to count only families, parents, mothers, fathers etc. It means that children are seen, if at all, only as belonging to the family. Therefore we do not normally in public statistics find such elementary data like for instance children's sibling relationship or children of divorce. Sometimes people are surprised when I mention this, because many believe we do have this information, but we do not, and I shall demonstrate the mistake. In the tables 1-2, the first one has family as the unit, while the second one has children as the unit of observation.

As you can see the first one gives the impression of a dramatic high incidence of children's singleness, but actually it tells about the share of all *families* with a given number of children. In the second table, which is the type of table a childhood oriented research and policy must demand, we can see that the share of *children* is only half of what the normally publicised tables tell us. And even this is an exaggeration, because some children may have left the home, while others will be born into the family. If we therefore focus on for instance 9-year old children (because we expect

[4] Judith BLAKE, *Family Size and Achievement*, Berkeley: University of California Press, 1989.

all their, both older and younger, siblings still to live at home) we find that only some 15 percent of all children are actually single.[5]

Table 1: Families with Children According to Number of Children 0-16. 1974 & 1985

	1974	1985
1	43	49
2	39	42
3	14	8
4 +	4	1

Table 2: Children 0-16 According to Number of Siblings. 1974 & 1985

	1974	1985
0	24	30
1	44	52
2	24	15
3 +	4	3

Table 3: 9-Year-Old Children According to Number of Siblings in 1988. Per Cent

0	1	2	3	4 +
15.9	56.2	22.1	4.6	1.3

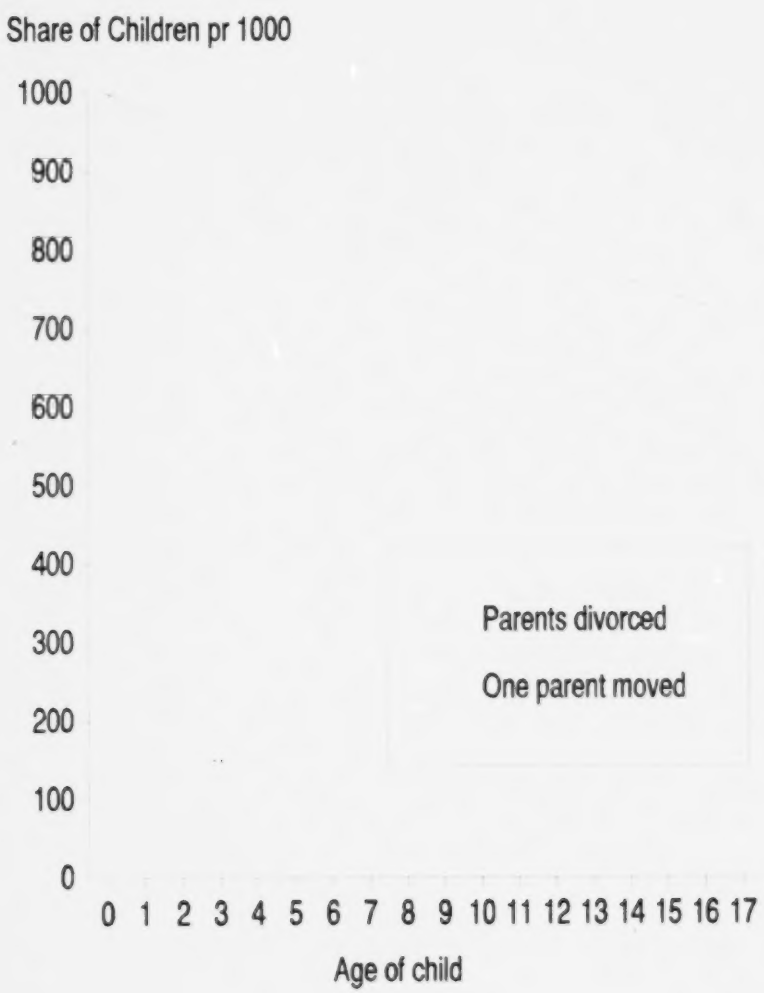
This simple method can in principle be used whenever children are the focus of our interest, e.g. one might ask about the distribution of children, according to their age, who have full-time, part-time or not gainfully working mothers, rather than about mothers with given number of children, etc.

We have calculated also a "divorce-rate" for children. Normally we see only a divorce rate for adult couples, but since divorce is as much a serious event for children as for their parents it is of great interest also to know the incidence of divorce among children in our society. On Danish material it can be presented in this way, i.e. it is suggested that some 40 per cent of all children will come to experience a divorce before their 18th birthday.[6]

[5] See Jens QVORTRUP and Mogens Christoffersen, Childhood as a Social Phenomenon. National Report Denmark. *Eurosocial 36.3*, European Centre, Vienna, 1991.

[6] Source: material from Danish National Bureau of Statistics.

Figure 1: Share of children of different ages who still live with both parents, while considering either the fact that parents moved away from each other or they divorced. The period January 1, 1989 to January 1, 1990. Denmark.



I am mentioning only a few examples by way of illustration. It needs much more refinement in methods, and what we demand is that statisticians start presenting child-oriented data, because this is one way to give voice to children and their life conditions. If we stick to presenting data only about parents or adults we are really distorting the picture of childhood.

ACTIVITIES, ECONOMICS, DISTRIBUTIVE JUSTICE

It is a commonplace in our modern countries to state that children are costly, expensive, time consuming and not doing much useful work. We have been interested in exploring more about these charges against children, because we are not so sure that children can be discarded that easily. It is however not so simple to come to terms with them, firstly because they rest on some uninspected presuppositions about childhood, and secondly, because not much material about children as useful actors is produced – a fact that of course confirm our suspicion about ideological assessments about children.

As far as *children's usefulness* is concerned, I have formulated the following thesis: children have always been obliged to conduct that type of work that in any society is deemed necessary and most important by the prevailing economy and social order. This means that children – in a historical perspective – never stopped working, but changed their work place and the type of work done. Schooling is indeed as important for our society and the accumulation of knowledge, as were other forms of child labour in previous eras. The astonishing thing about this thesis is not, in my view, its potential radicallity, as some might have it; the real surprise to me is how it is possible that our culture regards it as common sense that children are useless or doing nothing of practical or material importance. How is this, indeed, possible, given the fact that practically 100 per cent of children spend at least 9-10 years in our schools? How is it possible to ignore that these enormously high numbers of man-years represent a tremendously important input into our economy and society? But it is not only possible, it is a fact. In addition one should not forget children's activities at home and their paid labour after school – another two under-researched areas. Unwillingness or inability to take school work serious cannot, perhaps, be seen as a neglect of the single child, but it can be interpreted as a disregard of childhood as a collectivity. What I suggest is therefore that our culture's preoccupation with the single child's vulnerability and incapacity in an adult world is mistakenly translated into a collective misjudgment on the side of adults of the role which childhood as such plays in society.

On the background of this common adult misconception of children's school work, it may be easier to understand that children are generally assessed as cost factors. Given the invisibility of their school work, which in my view is an integrated part of our society's division of labour, there is no other way than categorising children as consumers, or childhood as making inroads on parents' and society's resources. Besides being a way of overlooking children as actors, it is also a way of objectifying them. It is an objectification in the sense that children are reduced to items on the budget. Whether we think of the family financial budget, the public purse or parents' time budget, children are seen as only one among a number of other items that need use of resources. But is this not the reality, that children are expensive in terms of money and time? Yes, it may be true, but it is true only if we share the adult mythology and if we forget about children's usefulness. It is, however, one of the fictions that becomes a fact exactly because most adults believe in it.

We could ask other questions, one of them being so impertinent that I hardly dare ask, let alone answer it, namely: what are the costs of parents, or how much time do

children use on adults? Apart from the rhetoric and polemics, the questions do lead to the more important one, namely: what would happen if children were treated as subjects rather than objects? In any case, that would reveal a reality about childhood that is so far unknown; it would bring to the fore the fact, that children have a time of their own that can be counted, and activities that are worthwhile to take into account.

Thus, the *economics of childhood* should reveal the economic value of childhood for society – both while discovering their contribution to the accumulation of knowledge that is of such a great importance for a modern information society, and while demonstrating children's role as consumers, and finally while notifying the employment children create for adults. These are essential topics in themselves even if I can only refer to them here.

Now, this urge for making children visible has more than symbolic value. In fact, I believe it may in the long run have important social policy implications, and that is what I shall discuss under the heading of *distributive justice*. The problem of distributive justice towards children implies firstly the question of the extent to which resources are distributed equitable to children compared with other groups in society, and secondly if children are at all entitled to claim their part of societal resources.

Let me start with the latter question: do children have any entitlements so far? Among several criteria for entitlements in our capitalist welfare states, two are outstanding. One is based on achievement, and another is based upon needs. Given the fact that children are not considered as contributors to our material welfare, it is only logical that they are not seen to have any entitlements on the basis of achievement. They are, in principle forced to benefit from what their parents happen to obtain at the labour market. No absolute level is, however, decided for as to children's standard of living, which is to say that children are completely dependent on income of parents. There is, though, in case of impoverishment the possibility of invoking the criterion of need, which means that society has the obligation to make sure that children do survive at a level, that varies from country to country.

The major responsibility of parents to provide for their children means that accounts of children's living conditions are normally not available. Children are, if you like, hidden in economic or social statistics of the family. Therefore, we do not really know about the general life conditions of children. I shall demonstrate this by means of figure 2.[7]

(figure 2: see next page)

[7] See Jens QVORTRUP, Introduction to a Series of National Reports, Eurosocial, 36, 1990, European Centre, Vienna.

Figure 2: Orientations in the search for social groups

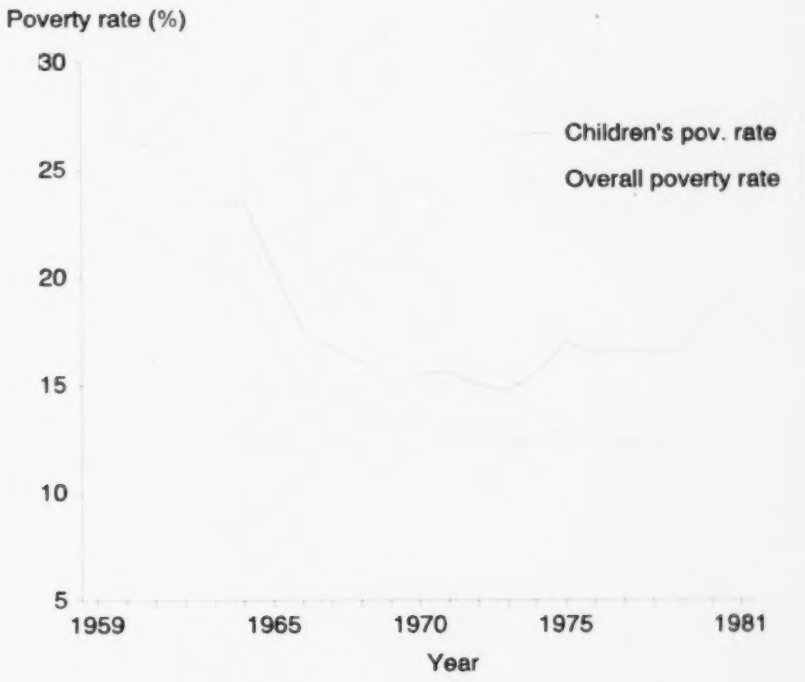
At the vertical dimension it is shown how we normally divide families or adults according to social class, strata, income groups, levels of education etc. This is not wrong as such, but has one shortcoming, namely that children are hidden, since they are as a population group divided among classes or groups that are not defined by variables as belonging to childhood. The population of children are thus split up and one loses the ability to describe the collectvity of childhood or the commonness of childhood. To obtain this ability I suggest to move onto the horizontal level, where, as you see, the cut is made differently. It entails a perspective that tries to depict childhood as distinct from adulthood or old aged, but of course one could also think of other structurations that would allow us to compare with e.g. women, with skilled workers or whatever. But let us remain with this illustration. As an age-structure one should look for parameters that characterise childhood in its own right. In principle, thus, one would be able to approach the same type of questions that we are interested in as far as the adult population is concerned, e.g. housing, poverty, place in income distribution, that is to say, life conditions in general. But do we know the scope of these problems as far as children are concerned? Do we know the poverty rate for children, where children belong in the income distribution, how children are housed compared to adults, or to which extent for instance children are victims of unemployment? Not very much. As a rule children are not counted, only adults.

We have, in the international project, tried to collect information on matters of these and similar types. We do not have encompassing knowledge, so the examples I shall present will therefore serve as an illustration of methods to discover life conditions of children, methods that need much more refinement.

Poverty rates among age groups are collected systematically in the USA – as one of very few countries. In a governmental report it was thus found that the poverty rate was much higher among children than in any other age group. The following figure

shows the development from 1959 to 1981[8] – a development which has not changed since then.

Figure 3: Poverty in the United States



In terms of income distribution, a calculation was made for Denmark, showing the following picture:[9]

(Table 4: see next page)

[8] See Jens QVORTRUP, "Introduction", pp. 3-37 in *International Journal of Sociology*, Vol. 17, No. 3, Fall 1987, Special Issue on The Sociology of Childhood, ed. by J. QVORTRUP.

[9] See QVORTRUP and CHRISTOFFERSEN, 1991, *op. cit.*, table 17.

Table 4 : Adults and Children in Decile Groups of Household Income Per Consumption Unit. One Person = One Consumption Unit. 1988

Decile group	Adults		Children	
	%	Cum.%	%	Cum.%
1	7.1	7.1	17.2	17.2
2	8.4	15.5	13.9	31.1
3	8.7	24.2	13.3	44.4
4	9.2	33.4	12.1	56.5
5	9.6	43.0	10.9	67.4
6	10.0	53.0	9.9	77.3
7	10.6	63.6	8.6	85.9
8	11.3	74.9	6.8	92.7
9	12.2	87.1	4.5	97.2
10	12.9	100.0	2.7	99.9

As far as housing is concerned, it is generally so – from the information we have been able to obtain – that relatively more children live in overcrowded dwellings than any other social group.[10]

Table 5: Persons in Dwellings According to Socio-Economic Groups and Number of Persons Per Room. Per Cent: 1981

Socio-Economic Group	More than 1	1	Less than 1
0-15 years old	23.0	30.2	45.9
Pensioners	2.2	16.4	80.7
All gainfully employed	10.8	22.5	65.2
Skilled workers	13.5	27.7	57.8
Unskilled workers	16.3	26.7	55.8
Housewives	12.9	20.8	65.5
Total	12.6	23.4	62.6

My last example is about unemployment. It shows that children quantitatively are as much drawn into the orbit of unemployment as adults.[11]

[10] See QVORTRUP and CHRISTOFFERSEN, 1991, *op. cit.*, table 19.

[11] See QVORTRUP and CHRISTOFFERSEN, 1991, *op. cit.*, table 21. A statistical summary of project-related data from the project is found in An-Magritt JENSEN and Angelo SAPORITI, *Do Children Count? Childhood as a Social Phenomenon. A Statistical Compendium*. Eurosocial 36/17, 1992. European Centre: Vienna.

Table 6: Children (0-15 years) with One or Both Parents Unemployed. 1987-1988

	Children of single Parents	Children with both Parents	All Children
Parent(s) unemployed at time of interview in %	16	10	11
No. of observations	325	4146	4471

Now what is the reason for collecting this information? Children are not earning a salary and can therefore not be depicted in income distributions, they do not work gainfully, and therefore it may be seen as absurd to calculate an unemployment rate for them. The justification for getting information is, nevertheless, firstly, that children are as much involved in social problems as are their parents; and secondly, that we are not able to find out about the scope of children's involvement if we concentrate only on parents. Children are in other words not done justice to, the picture of the conditions of children is distorted by letting them be represented by adults.

And one final thing: it is sometimes said that children are "naturally" poorer if parents are poor; they will "naturally" be more frequently living in overcrowded houses, because they are part of families with more persons. This "naturalness" is of course a problem. It demonstrates, once again, that it is more or less destiny, how children live. While it may be said that if parents get children, it is their own responsibility, and no one else can be blamed if it entails more tough economic conditions. I do not accept this argument, but even worse: how do we in this case justify that *children* must live in the very same tough financial conditions? They do not carry any responsibility. We are, thus, coming back to the question of criteria for distributive justice. If we want to see children's needs as a criterion, it is detrimental only to rely on the financial responsibility of parents. If, in other words, the idea of the family is getting the upper hand over the idea of satisfying the needs of children, children are in jeopardy. Firstly because they are hidden in the privateness of the family, and secondly, because children – seen as a collectivity – are, as our analyses suggest, more exposed to material scarcity than any other group in society.

CONCLUSION

I started by talking about the idea of growth and progress. I suggested that irrespective of their being applied on societies or individuals they come to support ideas, cherished by mature societies or mature adults, of weakness, helplessness, incapacity, incompetence and the like, and thus to encourage missions to help in paternalising ways. The problems of these definitions and interpretations, that of course were autonomously formulated by the dominant groups, are at least twofold: one problem is that one forgets about the delicate relationship between paternalism as a benevo-

lent protection, and paternalism as a power structure: who is to decide if an intervention is a genuine protection of the child or rather a protection of the social order against disorderly, unruly, subversive, or simply too knowledgable and too active children? This is one problem. The other problem is that the interpretations are translated into an all pervasive system, that does not allow children autonomy – and this system is moreover supported by the individual-oriented child sciences that (ontogenetically) recapitulate the idea of growth as it was found (phylogenetically) at the level of society.

I do not necessarily speak in favour of liberating the single child; it would obviously be a grave mistake to leave the child without protection. My modest contribution is for the moment only the suggestion to liberate childhood conceptually. I am suggesting that children be seen and made visible as far as their own life expressions, their own time, their own activities are concerned, instead of – as it is now the case – that all these things are hidden in adult oriented categories. The notion of "dependents" in our statistical and social accountings is of course a reflection of the dominant idea of growth and progress and it may therefore be seen as an effort to shield, while hiding, children in the anonymity of family and institutions. Unfortunately, by the same token, we lose many opportunities to grasp the reality of childhood. As I have demonstrated, we do not see their activities, we do not perceive their constructivity, we do not recognise the use of their own time, we do not realise that protecting institutions are also institutionalising bureaucracies, that not so easily comply with our ideas of children's spontaneity and impulsivity.

When I therefore talk about giving voice to children it is not in the first place a quest for giving the single child all rights that an adult has. It is simply to take childhood seriously, by granting them their right to their own history, their own economic, political and social description and analysis. I do not exclude that endeavours of that kind might entail revelations, which could be a danger to our social order. In any case I find that such efforts should be a natural right that nobody could deny children or childhood.

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POLICY FOR CHILDREN
THE SITUATION IN NORWAY

Per Egil MJAAVATN*

A new understanding spreads in the Norwegian society. We have in our welfare state managed to partly take away discrimination between social groups, we are working hard to remove discrimination between sexes, now time has come to eliminate negative discrimination between different age-groups. We are talking about the emancipation of the child.

The Government as well as local authorities ask for more knowledge about children's life and if possible – knowledge about how life in the Norwegian society looks like from the children's point of view.

If we study Norwegian child research from the last 10 years – we will definitely find a changing attitude to what we could call the subject of child research. Political documents and studies of newspapers will show the same tendency: The child is lifted up from the group of family members to a more independent status as a human being. The UN Convention on Children's Right reflects the same tendency in a global perspective.

Norway had a change of Government in October 1990. A coalition of conservative parties was succeeded by a Labour government. The new government of Prime Minister Gro Harlem Brundtland pointed out three main areas of governmental effort for the coming years:

1. Environmental policy;
2. Unemployment;
3. Children and Youth.

The Prime Minister's will to work for children and youth is also shown in the way she organized her ministries. A lot of areas related to children were gathered in one ministry – a new ministry of Children Family Affairs. Primary school is still in the ministry of Education, but preschool education, child welfare work and child culture are examples of areas taken care of by the new ministry. We have reasons to believe that the UN Convention on the Rights of the Child was one reason for this governmental reorganisation. The Convention is ratified by the Norwegian government.

Norway has since 1982 had a Commissioner for Children – Barneombudet. This new invention of advocacy for children is now being copied by other countries around the world.

The concept underlying the Barneombudet is simple: it provides a voice for children's interests and acts as a watchdog to ensure that those interests are protected. Thus the Commissioner for Children serves as a representative for children in policy making and a guardian in policy implementation.

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The Commissioner is not directly involved in making policy decisions but instead aims to ensure that children are able to enter the political arena and that, when they do – they compete on an equal level with adults.

According to tradition with ombudsmen in Norway the institution serves as an independent, nonpartisan agent of Parliament ensuring that the ministries fulfil the legislative will. The Commissioner has power to investigate, criticize and publicize, but not to reverse administrative action.

The present Barneombud – Trond Viggo Torgersen – uses mass media systematically to uncover weak points in the Norwegian public care for children.

Sexual abuse and maltreatment in families in crisis seem to occur far more frequent than the general public has known earlier. Different tragic cases are published in a very provocating way. Norwegian research institutions are used to prove conditions hardly flattering to the Norwegian welfare state. Many children – some of them badly maltreated – are on a waiting list for being taken care of. Mental damage because of public inefficiency is found in many cases.

Norway has a very extensive legislation concerning children. The main question is the following: Is the child welfare legislation a law of rights of the same kind as for example the law concerning the right to education? Can a child sue local or central authorities because *it was not* taken away from its parents? Or because public services did not interfere in the family drug problem?

The Commissioner brought the case to court by accusing 3 local Norwegian communities for breaking the law by not to help children that were sexually abused by family members. The case was refused by the court – but is still an important part of the legislation debate concerning children.

The Commissioners actions in this area was probably also an important reason for the Prime Minister's decision to focus on children and youth. And the case shows very clearly that we still have a long way to go in our fight for children's rights – even in a modern western society.

Our former Minister for Children and Family Affairs – Matz Sandman, gave a considerable amount of extra money to strengthen the child welfare work in the local communities. In 1991 £ 50 000 000 was used to make preliminary investigations in all cases concerning maltreatment of children or serious lack of care for the children in a family. This preliminary investigations had to be fulfilled before July 1. 1991. All waiting-lists in child welfare work have – according to ministry decisions – to be abolished within 1994.

The Norwegian government has the last three years used £ 1 billion more on child care, child welfare and parenthood than in the previous three years period.

From research we know quite a lot about the significant value of children's social network. We do also know about negative aspects of replacing children in foster homes if they are not infants. This knowledge is well spread among Norwegian child welfare workers. So the intensive child care program from the government bring us a problem of as well practical as ethic character: New investigations will lead to a great need for help. But what kind of help is the society able to give these children? The traditional way of helping a maltreated or badly cared child is to move it into a

far-away foster home. Away from close friends and their families, away from nice relatives – away from their own play ground. We know this is a crime to the child. The child has a legitime claim for help – the society is not able to respond with adequate work.

This is even worse when we are talking about older children on their way into a criminal career. Norway has recently changed its law so that it is no longer legal to put 14 years olds into jail. Nevertheless it is still legal to 15 year olds in spite of the UN Convention that says that the lower age limit should be 16 years. Norway has more children in jail than any other Scandinavian country. The problem is again: We know it is wrong – but don't have adequate alternatives.

We know from research in all the Scandinavian countries that some parents – especially young, single, mothers using drugs – is a high risk group concerning child abuse and neglect. Many social workers recommend to take away children from high-risk groups immediately after birth. We know that infants can be placed in foster homes without the same negative effects we often see among older children. On the other hand – the parents rights towards their child is so strongly rooted in Norwegian legislation and traditions that this operation is very difficult. You have to prove that the mother is enable to take care of her child. And you must give her plenty of chances. Thus the child – and the problem grow year by year. After some years with intensive child welfare work time has come to move the child into a foster home.

It is a tendency today in Norway to recognize the child as a human being with rights independent of its parents. The main ideology though seems still to be that it is a human right to have children – and children are the property of their parents.

The parents rights stand against the rights of the child. This is also an important question in another main point in the Norwegian governments work for children and youth: Norway has very few children in kindergarten. It is important to have a fast increase, of the number of kindergartens.

Table 1: Kindergarten

Children aged 0-6 years in public kindergartens 1991:

SWEDEN	DENMARK	NORWAY	FINLAND
56 %	55 %	31 %	41 %

The situation of the 7-10 year olds is even worse. Only a small percentage of these children have access to public organized institutions before – or after they finish their very short day at school. Today children start at school at the age of 7. The present government want them to start at the age of 6. The Norwegian Parliament has decided that all 6 year olds shall enter school from 1997. Public statements from the government says that 6 year old children go to school in almost all other countries and that it is necessary with another year at school. But the main reason for this reform is also to be read in public documents: Lower birth-rates make a lot of space in the schools. The 6 year olds are the group with highest access to kindergarten.

Tabel 2: Kindergarten

Kindergarten for children aged 0-6 years (in Norway 1991):

0 – 1 year	2 – 3 years	4 – 5 years	6 years
4 %	23 %	48 %	64 %

By leading the 6 year olds into school – it is possible to give many younger children a place in kindergarten. But we still don't know what we are going to teach these 6-year olds in school and how we shall do it. The reform will however open the possibility to create a new school – more adapted to children's needs.

The economy of families with small children is far below average. The family needs income from both parents. The society needs workers and the parents demand public institutions to take care of their children. Quantity comes before quality. Children aged 7-10 are at school 3-4 hours a day. The government – and many parents, now want to extend the day so that children could stay at school from 7.30 in the morning till 16.30 in the afternoon. The reason is of course that with no-one at home, the children have no place to go after school. This new full day school will be developed for all children who need it within 2-3 years.

This care for preschool-children and young school children is an area with a lot of conflicts regarding to children's rights. There is an interesting change in the public attitude towards children and an intense debate going on.

The traditional attitude in Norway, that mandate to bring up children belongs to the parents – and the parents only – change. Public institutions are taking over parental responsibilities. On the other hand, the child itself is more into focus than ever before.

Children that want to play at the local playground instead of spending their leisure-time at school – are denied to do so by their parents. Other children who want to spend the whole day at school – because all their friends do so – are denied to stay partly because the parents cannot pay the fee for these leisure time activities at school – partly also because the parents don't want so much public ideology to influence on their child. The new reforms have raised a fundamental debate about the children's right to rule their own leisure time. Researchers stress the importance of children's own culture and their so called unorganized activities (That means *not organized by adults*). The play in peer groups is a very important part of the socialization process. Is it possible to combine a highly institutionalized life with enough time for the children to organize their own activities without adults? The new reforms have more than any other public decisions focused the children's right to have their independent life within secure frames.

This moves us forward to another area of debate. Modern society have taken away many of the natural playgrounds from the children. Their most important playground is the street outside the house and the space between the houses.

We have in Norway a tiny population on a huge area of land. Nevertheless we have more child accidents than any other Scandinavian country. We have for instance 100

% more children involved in traffic accidents than Sweden. Every year one child of 7 is hit by accidents in Norway.

The new tendency in Norway is to include children directly in society-planning. This is done in two ways: In many local communities children are working together with adults on new plans facilitating activities for children and youth. On the other hand states a new public regulation that all communities have to appoint an adult as a children's advocate. This adult is obliged to comment all local plans that have any influence on children and children's activities. The children are gradually drawn into the democratic process. We have since the second world war exclusively built our society on terms of the adult world. Now we can see a change. Adults realize that carpet-covered floors are pleasant to walk on when you are 1,75 high. It is not at all that pleasant when you only reach 50 cm above the dust.

The children's participation in the democratic process in society leads into another area of change. 30 years ago children were almost non existent in mass media. There were some cartoons for children in the papers and some programs on the radio – and that was all. We had a change in the 1980's. Crises and crimes concerning children have become news on the front pages of the main papers and a topic for endless debates on radio and television. We still have that – but some years ago another change occurred: We got special news for children in the newspapers, on radio and TV, local and global news concerning mankind. Children take active part in the programmes as interviewers. The philosophy is that the children have the rights to be informed – and that knowledge about ongoing events is important if you are supposed to be an active part of a democracy. We have got series of child hearings where children confronted politicians with problems in society. And we have got national congresses of child organizations planned and run by the children themselves.

We still have a long way to go before children are fully included in policy-making processes – but we are on our way. And on the same time both children and adults underline the importance of allowing the child to be a child.

CHILDREN OF YOUTH TOWN COUNCILS

Evelyne LEBAULT

First of all I would like to apologize in advance for my speech. It will be neither as complete nor as well-ordered as I would like. I am standing here for Claire JODRY, manager of our association, and I have not had time enough to fully brief myself on the issues being dealt with here today.

I have been invited yet to speak to those who had already decided to set up a C/YTC (Children or Youth Town Council), who were really looking for help of a more technical nature or for some ideas on how to deal with the inevitable problems which crop up.

I have, as a result, made use of major extracts from an article by Claire JODRY that will be published in the June edition of the journal "L'école libératrice" of the National Union of primary teachers (Syndicat National des Instituteurs), and the C/YTC.

THE ASSOCIATION

Let me begin by telling you something about the ANACEJ (Association Nationale des Conseils d'Enfants et de Jeunes). Our association came into being on March 13th 1991, merger of 2 associations, the ANCME and the CVCJ, both set up in 1987 by local educators working with children's councils. They had been very much in demand; they act as a source of advice both for councils and those who approached them, and for individuals interested in the child's place in the urban environment.

That was why the local authorities and educators decided to pool their know-how for the benefit of others, and to get their heads together to find solutions to their problems.

Both associations were already trying to do much the same thing, so that their governing boards decided to join forces. A few months later, the ANACEJ was born.

WHAT THE ASSOCIATION IS THERE FOR

Bring together individuals or organisations whose aim is to promote structures designed to let children and young people play a full and equal part in the town's life, inter alia C/YTCs. This is one of the objectives arrived at as part of fundamental rethink on the status of the child in our society, in the light of the International Convention on the Rights of the Child.

Our association has therefore set itself the following tasks:

- helping to set up Children or Youth Town Councils, or other structures involving young people in their local communities
- equipping itself with all possible means to further thinking, research and study into how to improve existing representative structures
- acting as a partner in dialogue with the authorities on issues on which young people are consulted
- promoting events to highlight the place of the child in society

Its board is made up of representatives of:
- 17 cities
- 7 Federations from the state education sector

and of qualified highly-respected people working for the advancement of C/YTCs.

The association's job and the tools with which it has equipped itself are:
- helping to set up new councils
- putting existing councils in touch with each other
- organising local, regional or national get-togethers
- pedagogical research,

using such tools as:
- setting up a resources centre (under way)
- monthly think-tanks bringing together those who act as facilitators and provide technical back-up for councils
- training of council organisers.

Its programme involves
- working together in Europe on a charter establishing young people's involvement in the life of their local community
- drafting a paper or making a video on youth councils, available in several languages
- organising a seminar on children's rights under the law
- producing 6 52 minute films on young people's views
- a study of how young immigrants are integrated and what C/YTCs can do.

HISTORY OF THE COUNCILS

What of C/YTCs now?

The first council was set up in Schiltigheim, Alsace, and part of thinking generated by the International Year of the Child in 1979. The initiative generated a great deal of media coverage, and planted the idea in the minds of many. In 1985 almost 30 cities embarked on this adventure, taking advantage of International Youth Year and the fact that education in civics had returned to the top of the Education agenda, thanks to the then Education Minister Jean-Pierre CHEVENEMENT.

A third wave came along in the run-up to the municipal elections in 1989, C/YTCs being set up either before the expiry of the term of office of councils up for election or scheduled for the incoming councils. There were, then, 200 C/YTCs by the end of 1989; there are now more than 500. A few very large cities are involved, some fairly

large towns of 30.000 people, many in the 10-20.000 inhabitant bracket, and some rural local authorities.

WHAT A COUNCIL IS

In a C/YTC adults (mayors, elected representatives, teachers, parents, members of associations, ...) listen to young people, and look with them at projects put forward by the young people themselves.

The young people and adults together consider what a project can achieve, what it would cost and how to complete it.

The young people provide enthusiasm, ideas, a fresh view and a very radical approach to problems and their solutions. The adults contribute a degree of realism and know-how, combined with their knowledge of how municipalities function.

If I were to hazard a definition of an C/YTC, I would say it is a point of contact, a dialogue.

It provides a point of contact between young people and the authorities, young people and their town.

It is a vital point of contact, if we are to make sure that young people today can take the place they deserve in their local communities, and if we are to help them develop their ability to work out projects, influence their environment and find their place in the real world.

Local communities starting up such councils may set themselves a variety of targets at the outset. Sooner or later, however, the adults come face to face with the young people, and have to adjust their approach.

In any event, the underlying view of the child is of a future adult, the citizen of tomorrow, someone to be educated but also someone to be talked to, and listened to, as an equal, as of now, with a part to play as of now in society.

Finally, a council is only a small part of municipal policy addressing young people's issues. It must form a part of a broader project, and be actively involved in it. It will constitute no more than a gimmick, if not backed up by other consultation structures and proposals such as working together in the classroom, and consumer councils in leisure centres and school canteens.

HOW A COUNCIL IS ORGANISED

Councils currently function in practice as follows:

Elections

Each local community defines the age range of its council – 9-13, 12-15 or 14-17. The team organising the council makes the decision. There are 3 electoral methods

which crop up regularly: the children may be elected from the top 2 primary and first 2 secondary classes, or from the 4 "collège" years, or from "lycées".

To reach all kinds of young people and all social classes, elections are sometimes held not just in schools, but also in youth participation associations, or sports clubs, or local groups. Very occasionally in special circumstances, the young councillors may just be appointed. In villages the elections are usually held at the mayor's office. One rule seems to us: full respect for non-affiliation: all children in the age group concerned must be eligible.

Young people choose their representatives in ways which adults often regard as rather surprising. Frequently it is the quieter children, who don't apparently stand out, who turn out to be the most active and ambitious councillors, and very responsive to the views of their peers.

General meeting and committees

After the elections, the young people meet the mayor at an open general meeting, and explain their criticisms and proposals. They deal with urban planning, road safety, daily life, problems of living together in their neighbourhoods, schools, anxieties about employment prospects, arts, ... Their remarks are frequently very penetrating. Most of them can address all these issues. The debate is conducted by the mayor to keep it flowing, he will answer simple questions directly and suggest to the young people that more complex projects be studied in committees in the course of their year in office. In some areas, a youth mayor is elected.

Subsequently, the young people meet at least once a month to flesh out their proposals.

The committees tend to deal with the same kind of subject matter everywhere: play areas, school, mutual assistance and issues of life in society, road safety, information or communication, arts and leisure activities.

The committees are generally led by a facilitator (who acts as the organisation's contact), an elected representative, and occasionally a municipal official, a teacher or a parent. Some councils of teenagers prefer to organise on their own, and only meet with adults if necessary.

As work progresses, "resources" people are invited to help the young people develop their project: architects, welfare association leaders, road safety managers, elected representatives in the region ... There should be constant contact between the committees and those who elected them. The young representatives are responsible for what they do to their electorate, whose views should be sought.

At the end of the year, a general meeting in the presence of the mayor takes stock of what has been done. Sometimes a general meeting in January/February can take stock along the way and make some decisions: it is at this stage that the young people adopt their budget. The budget is an essential facet of the C/YTCs credibility and a vital indicator that adults are genuinely prepared to share power. General meetings are usually open to the public.

Council organisation

In all councils, the co-ordinators and their partners are actively seeking the best way of making sure that young people have their say (how independent should they be? what part should adults play? ...), of ensuring that all viewpoints are heard, and of preventing representatives becoming too alienated from their electorate, while ensuring the council and mayor's office stay in touch.

Each town has tried out its own way of dealing with these problems: in Poitiers they have set up a liaison committee of 3 young people and 3 young adult elected representatives to help strengthen links between youth and adult projects; in Cran-Gevrier the young people bring out a newspaper to keep the whole town abreast of their activities, in Roissy, Savigny le Temple, they have a regular column in the municipal news sheet.

So there is no fixed format for C/YTC, they are constantly developing. The children themselves are not slow to level criticism, sometimes finding that they are too hemmed in, or on the other hand left too much to their own devices.

This corresponds to 2 approaches very prevalent in France, the one " let them sort it out, then we'll talk to them and say yes or no to their proposals", and the other which says "you have responsibilities, your choices must be realistic, follow the example we give you, do your job as councillors properly: you don't have a lot of money in the budget because we want you to understand you can't have all you want." Adults waver between these two approaches.

Depending on what the format of the council is, young people can deal with anything they like, without their being given the impression that anything is possible but without any topics being ruled out, or they are guided towards certain subjects while others are excluded from the debate. Dialogue, practical implementation and follow up to the ideas put forward by the young people may be stressed, or more formal aspects such as "lessons in citizenship" to be imparted to the young people concerned. In an ideal world both would be the case, but as yet we are far from it. A set-up in which one side explains everything to the other leads to a rather static council, and prevents the young people from really giving their views. I say "really" because they need time and space to say what they have to say.

It can happen that young people's views expressed in the councils can sometimes shock in the adult world. When they feel secure they do not mince words: a teacher is inflexible, a caretaker nasty, a municipal department lacking imagination, a neighbourhood run-down...

WHAT IS THE POINT OF THE COUNCILS?

Is that not exactly what one of the purposes of the councils was meant to be? Giving young people a chance to shake up local structures, and the same with their partners, to question us, and so join in the construction of their town and their life.

If they are to learn, children and young people need to be involved in actually doing something. Thus it is by setting up projects that they learn to negotiate, to talk to each

other, to tackle tricky situations and that each of us can create his/her space in society, and become an active citizen.

If councils are subject to draconian rules, turned into meetings of good little kids who hardly dare to ask permission to walk on the grass, we deprive ourselves of their outlook, and we deprive them of a chance to learn about the world.

We must not forget they are children, not mini-adults. Though C/YTCs often reflect adult municipal councils, they should not end up just taking note of what others tell them. There must be real discussion.

What a council is expected to achieve will take many forms, depending on the targets set by its promoters, and whether they have provided it with the means to do the job.

You may find they are expected:
- to teach young people how democracy works through voting, how to act as a representative of others, and a sense of the interests of the majority.
- to help in "socialising" children: the child must work together with others in practical ways, as part of a team, in understanding, assessing, making choices, making changes, putting his/her ideas in order, and organising projects to a deadline.
- to teach public speaking: the children must learn meeting discipline – many committees appoint a chair and rapporteur – and how to listen to each other.
- to explain institutions and the most realistic approach to life in society. In this way administrations can be demystified, through knowledge and therefore frequently greater control.
- to provide a way of integrating young people. Sometimes the C/YTCs provide young people who would otherwise be pushed on the sidelines – immigrants or school underachievers – with a place where they can gain recognition of their personality, and develop their talents.

So an C/YTC can trigger a whole process of social change, not just in families, and in schools, but in society as a whole. Assuming the C/YTC has defined such a objective, it can rapidly become a driving force for new ideas in the town – though care must be taken to prevent young people from becoming not much more than a channel for achieving the ambitions of adults, whether parents or teachers.

A wide and varied range of issues will be addressed if young people are really given the chance to speak and to organise:
- town planning – housing – inner city facilities – play areas – road safety – tags!
- sports and leisure activities, organising parties, health (drugs, smoking).
- school, one of the trickier issues because teachers tend to leap to the defence of their prerogatives.
- environment – pollution.

They will want to look at areas which do not directly affect them personally:
- humanitarian causes: third world, poverty in the developed world (here some joint projects have been developed), the disabled, the elderly.
- combating racism, usually via petitions, but also day to day in their neighbourhood.

HOW TO SUCCEED

There are various things likely to affect whether council's objectives are attained or not. It is essential to establish a clear and detailed definition of the project, bringing in all concerned in the town, in politics, in education or in other groups and committees – and, whyever not, though this rarely happens – the young people themselves.

The C/YTCs must be provided, from the outset, with the resources they should have, and need to do their job: people, money, materials.

Steering committee

A steering – or monitoring – committee must be built in from the outset, bringing together representatives of all concerned, those directly involved in running the council, but also people from the departments dealing with children and young people. It must be the means of directing the C/YTC and developing it, and it should start by working out assessment methods bearing in mind the objectives defined in the council. It must ensure the children and young people participate actively in their town, but also take time out to give some thought to the status of children, and more specifically what their local authority is doing in practice.

Consistency of the educational project

Another essential precondition for attaining the objectives of the C/YTCs is the existence of a broader policy consistent with them. The existence of a council does not itself constitute a town's policy on childhood and young people.

Of all the component parts of a town's education policy, I would look first at the schools. Teachers must pay particular attention to the relationship between electors and their representatives, they must create conditions in which all the young people have the chance to speak, both the young representatives who must report back to their constituency and the electors who have to make sure their representatives are aware of what they want and need. Teachers must also, however, consider how children and young people can be involved in the structure of the school itself: working together in the classroom, setting up form or school councils in which the children are active participants.

There is another group which must be brought into any general policy designed to get children and young people to speak out and join in: leisure centres, sports clubs, groups in which children get together. How are the children consulted, how can they exercise their right to join in, to have their say? How can we ensure their voice, not just that of their parents is heard, and that what they say is acted on? At our forthcoming congress, a workshop will be looking at children's right of association. This is enshrined in the Convention, but how can it actually be put into practice?

Plainly it is a matter of approach. The councils seem to be one of the best ways of establishing contact with young people, and encouraging them to contribute to the way their community is organised.

PROBLEMS ENCOUNTERED

The councils are still in their infancy: one of them has existed in its present form for 10 years, others for 6 or more years. There is still room for improvement, and we should be putting our minds to the search for solutions to the kind of problems many councils have come up against.

Conflicts between the young people and those running municipal services, generated by failure to understand each other, or fear on the part of the technicians or elected representatives that they may have to relinquish some of their power.

Too frequently a gap opens between the young people elected, and those who elected them.

Sometimes the relationship between committee facilitators and the young people elected can become somewhat strained (how independent can they be allowed to be ... etc.?)

- problem of the role of adults: mayor's office, school, associations, how they fit in with the councils
- part to be played by adults in the council's general meeting and in its committees
- failure to complete many projects proposed by the young people, either because adults turn them down, or because the young people themselves become discouraged in the face of obstacles: in these circumstances, there is a risk that the council becomes an end in itself, at the expense of projects.

Stocktaking is essential, in an agreed format reflecting the council's objectives, those set by the adults but also those set by the young people, since these not always coincide. Again, this is where a steering committee comes in.

CONCLUSION

Nevertheless, despite all these problems, I must say that C/YTCs do change the way that adults see the children and young people in their town. They lead in the long term to greater attention being paid to young people, and to the gradual emergence of greater respect for young people, as well as stimulating thinking on children's rights.

As a result, things start to happen, and not just in the C/YTC itself.

And finally, recommendations are sought and a structure created. It is not always the same structure in each case, but must be one which can respond to change. Each town must find its own response to its own problems, and a means of attaining its own objectives. All we can do is point out the stumbling blocks, try to draw attention to the issues and the need for vigilance. The simple fact that this seminar is taking place is in itself an assurance that people are prepared to spend time later, and to address the issue of how we can improve the quality of children's involvement in the society in which we live.

THE CONFERENCE "VOICE OF THE CHILDREN", A PARTICIPATION PROJECT OF AND FOR CHILDREN

J.J. VOETEN*

The aim of this lecture is to:
1) describe the reasons for the initiative,
2) give a description of the conference project,
3) discuss its results and conclusions and
4) make suggestions for the establishment of an independent reporting agency.
Video pictures and the experiences of a participant in the conference will be used as a part of the lecture.

1. BACKGROUND OF THE FOUNDATION "AMSTERDAM COUNCIL FOR THE FUTURE OF THE WORLD'S CHILDREN"

Briefly, the aim of the conference "Voice of the Children" is to involve children in decision making with regard to decisions which have consequences for the future. Decisions, in other words, in the fields of energy and the environment, human rights, population growth, unequal distribution, war and peace.

1.1. Reasons for the participation initiative "Voice of the Children"

In the past, many decisions about world affairs were taken by politicians, industrialists and other policy makers taking into consideration only their consequences in the short term. Policy makers were often not capable or willing to take into account the harmful effect of their decisions in the longer term or on a larger, global scale. Now the consequences of their actions are known to everybody: the ozone layer which is damaged by the use of CFC's and propellants in industrial products, the dumping of toxic chemical waste and its harmful effect on our health.

At this very moment, somewhere decisions are being taken in a careless manner, on the basis of vague emotions and serving primarily national interests. It is very likely that the decision maker himself will not be affected by the harmful longer term effects of his decisions. Children now and their children later will become the victims of these decisions.

The UN Convention on the Rights of the Child includes the right of the child to express his or her own views freely and stipulates that these views have to be given

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due weight in all matters affecting the child (Convention on the Rights of the Child, Article 12). Decisions with far-reaching future consequences affect the child. Therefore children have the right to have their own opinion on and to participate in all forms of decision making which affect their future.

For the Dutch organisation "Council for the Future of the World's Children", headed by Professor Jan Tinbergen, the right of the child to participate in decision making was the starting point for a participation project for children. The objective: to give children in practice the right to have a say over a matter which affects them directly, the future.

Figure 1: The reasons for the participation project

> *"Children have the right to express their views free in all matters affecting the child" (Convention on the Rights of the child, Article 12).*
>
> *Children have the right to have an opinion on decision making concerning the future and to participate in it because the decisions affect them directly.*

Projects of the "Council for the Future of the World's Children" bring together 3 groups of people: children, decision makers and Nobel Prize Winners. The decision makers are called to account by the children, supported by the Nobel Prize Winners, the idea being that children together with their grandparents challenge the parents who take the decisions which ultimately affect the children. What is so special about this approach is that in 30 years time the tables will be turned; the children of today will then be decision makers, and the present-day decision makers will be the grandparents.

Figure 2: The three groups

Children · *Decision makers* · *Nobel Price Winners*

The official aim of the Council is: "To stimulate and to promote the organisation of media events worldwide to benefit the future of the world's children". The board of the Council consisted of Theo Knippenberg and Greet van der Woude and the following Nobel Prize Winners: George Wald (Nobel Prize for Medicine), Jan Tinbergen (Nobel Prize for Economics), Abdus Salam (Nobel Prize for Physics), Maurice Wilkins (Nobel Prize for Medicine), Nicolai Basov (Nobel Prize for Physics) and Adolfo Perez Esquivel (Nobel Peace Prize).

Figure 3: the aim of the Amsterdam Council for the Future of the World's Children

> *"To stimulate and to promote the organisation of media events world-wide to benefit the future of the world's children".*

In 1987 the Council organised a first meeting of 50 children from Western and Eastern European countries and 5 Nobel Prize Winners. During this meeting the feelings and thoughts of the children played a central part. Its aim was to give children an opportunity to express their own feelings about decisions concerning their own future. The Nobel Prize Winners played a supporting role. The central theme was the threat posed to the world by environmental pollution and its consequences. The meeting led to a book called: "Voice of the Children, an endangered species".

In June 1990 the Foundation organised a similar international conference. This time the children were given a chance to express their opinion with even more force. This was the largest project and it will also be the theme of the remaining part of this lecture.

Figure 4: Council for the Future of the World's Children's activities

> *1983 meetings of Nobel Prize Winners*
>
> *1985 Meeting of the Council of Nobel Prize Winners with President Mikhail Gorbachov**
>
> *1987 Conference "Children from all the world supported by Nobel Laureates on the ongoing devastation of the earth"*
>
> *1990 International conference "Voice of the children"*
>
> *1992 Second international conference "Voice of the Children"*

2. DESCRIPTION OF THE CONFERENCE "VOICE OF THE CHILDREN"

The conference "Voice of the Children" took place on June 18th in Noordwijk aan Zee, a coastal resort not far from Amsterdam. In this chapter the structure of the conference will be explained.

Figure 5 describes the structure of the conference. In every conference the aims and the target groups are the central issues. Things like the organisation, the location and the participants are essential to achieve the aims of the conference.

* Interestingly, Mikhail Gorbachov described this meeting in his book "Perestroika".

Figure 5: Conference structure

2.1. Aim

The aim of the conference w
week to a group of children
industry, the business wor
everybody who, by their d
negative influence on the fu
voice their opinion on decis
ers of the future.

vas: to provide all possible means for the duration of one
to speak up and be neard by those in power in politics,
ld, science and technology and the media. In short, by
ecision making, is in a position to exert a positive or
ture. To allow them to speak up and be heard means: to
ion making and thereby to exert influence on these mak-

One thing has to be said ab
be measured. It is impossibl
been achieved. Will politici
The situation is comparable
in it or what happens inside
the outside and then wait to
when the environment surro
in a change in their decisio

out the extent in which the results of the conference can
e to ascertain to what extent the aim of the conference has
ians take different decisions because of this conference?
to the famous "black box". One does not know what is
One can only influence what goes on inside the box from
see what happens. The Foundation's hypothesis is that
unding makers of the future is influenced, this will result
n making.

2.2. Target groups

As I have said in my introd
(1) All those in power in po
technology and in the med
become aware of the fact th
of their decisions, might hav
for them also to look at the

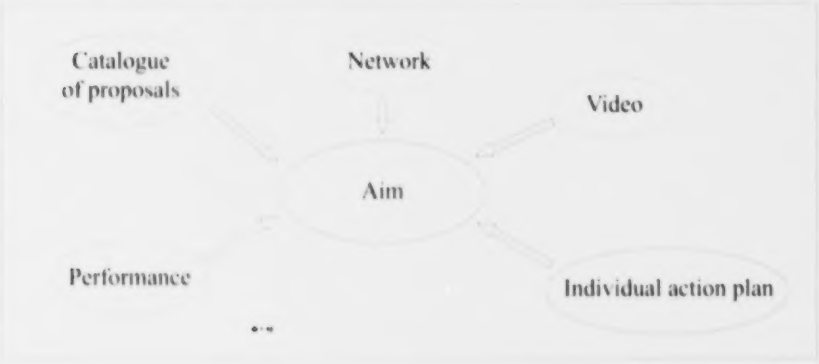
uction, the conference was aimed at three target groups:
litics, industry or the business community, in science and
ia. It is our intention that makers of the future should
at the children, who may later be faced with the results
ve been their own children. This will serve as an incentive
ir decisions in a different light.

(2) Children from all over the world are the second target group. They have to become aware that they have the right to voice an opinion and that this opinion has to be taken into account. It is important to make them see that they, the children, can influence the future. (3) Nobel Prize Winners, who will find their knowledge and experience of life is invaluable for children who want to express ideas and makes suggestions for their own future.

2.3. The means at our disposal

Figure 6 shows the means used by the conference to achieve the objective.

Figure 6: Means



In advance, the organisers selected a number of means to put across suggestions and proposals: a catalogue of proposals and a video film, a performance aimed at makers of the future, a network to be set up for future action. However, the children were also allowed to undertake other activities.

A vision of the future, an analysis of the world's most urgent obstacles and problems in the way of this vision, and proposals to overcome the obstacles were to be important elements of the catalogue of proposals, the video and the performance.

The objective to be achieved with the video film was to give an idea of what happened at the conference, stressing particularly the way the whole process evolved. Makers of the future watching the film will be stimulated to start thinking about the need to allow children to participate in decision making.

The aim of the performance was to get a debate going by showing different visions of the future, obstacles and proposals. Industrialists, politicians and other makers of the future were to be the audience.

Children were asked to set out an individual action plan by the end of the week. The action plan was meant to describe at least 3 actions that each child was going to do in the 6 months following the conference, the intention being to make the children think about concrete ideas they could go and do something with at home.

The network was established by the children carrying out activities at home, exchanging information with other children and involving other children from their neighbourhood in the network. The aim of the international network is to use it as an instrument for future initiatives to influence makers of the future.

2.4. Participants

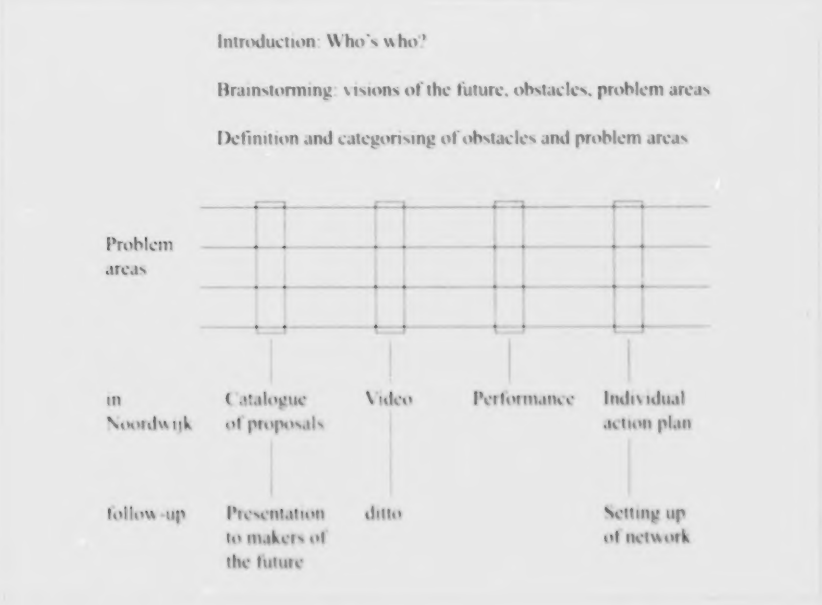
Using as many international networks as possible, children from all over the world were invited to submit an application to the Foundation Council for the future of the world's children with their views on the world's problems and proposals to contribute to their solution. These ideas were used as a basis for the selection of children to participate in the conference. Being able to speak English was a requirement. Travel and hotel expenses were paid for by the Foundation. 84 children were selected out of approximately 500 letters received by the Council for the future. The aim was an equal representation of boys and girls from different parts of the world.

2.5. Theme

The theme was the definition of a vision of the future, identifying the most urgent obstacles at a global level which stand in the way of the fulfilment of this vision, and making proposals to overcome the obstacles.

2.6. Approach and procedure

Figure 7: Approach and procedure



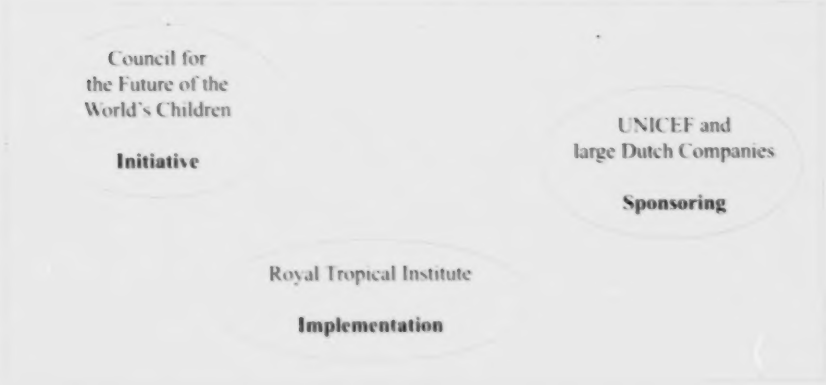
The conference began with a session in which the children introduced themselves and were put in touch with each other by various means. Over the next couple of days, the group's visions of the future were worked out, the obstacles were identified and the initial steps were taken to arrive at a series of proposals. Subsequently, this information was used by subgroups to begin work on the catalogue of proposals, the video and the performance. At the end of the week, the results were presented and everyone established an individual plan of action. A professional facilitator helped the discussions along. (The job of the facilitator was to keep a certain order without getting involved in the debate).

2.7. Content input

All kinds of information was available, from talking to Nobel Prize Winners, there was a library, there were visits to Dutch development, environment and human rights organisations (Ministry of Foreign Affairs, Amnesty International, Anna Franck Foundation, Koninklijk Instituut voor de Tropen (Royal Tropical Institute), etc.). Telephone and fax links were available to get in direct touch with organisations and people.

2.8. Organisation

Figure 8: Organisation



The Foundation Amsterdam Council for the Future of the World's Children took the initiative in holding the conference. The Dutch section of UNICEF paid a large part of the costs, and a number of companies "adopted" children and paid all their travelling and accommodation expenses. The Royal Tropical Institute looked after the practical side of the conference.

3. RESULTS, CONCLUSIONS AND FOLLOW-UP ACTIVITIES

3.1. Results

The debate among the children produced one important result: the children put into words their vision of the future, analyzed the most urgent world problems standing in its way, and launched proposals to overcome these problems.

The children's vision of the future, the problems identified and the proposals were put together with some pieces of prose and poetry, and a number of photographs of the conference in the book "Voice of the Children, proposals for a better world". It is aimed at makers of the future and will be presented in September 1991 to a delegation of Members of the European Parliament, and representatives from developing countries attending an EEC-ACP Joint Assembly meeting in Amsterdam. From then on, children will be offering the book to makers of the future in their own country. The book's first proof came off the press recently.

The conference was attended by a professional camera crew, directed by the children. All debates, interviews and presentations were filmed. At the moment the Foundation is preparing a 20 minute video to be presented together with the book to makers of the future. The video material will also be made into a film about children's participation for use in schools, and into a TV-documentary.

One thing which emerged from the conference was a performance in which the children's visions of the future, the problem areas and the conference proposals were put to an audience. The audience was made up of representatives of Dutch industry, prominent Dutch politicians, such as Jan Pronk, the Dutch development minister. The aim was to get a debate going between the children and the audiences. The children came down from the stage and mingled with the audience and spectators were invited up on the stage. James Grant, UNICEF general manager, and Jan Pronk, for instance, were invited on stage and subjected to interrogation. They were asked, amongst other things, why no children were allowed into UNICEF's World Summit in September 1990. Minister Pronk went to UNICEF's World Summit in New York with 4 children in his delegation.

Another important result of the "Voice of the Children" conference was the establishment of an international network bringing together 84 children from 57 countries and 12 Nobel Prize Winners.

At the moment the children are enlarging the network by organising meetings in their schools, by sending out information on the conference to their organisations, etc. One of the many ways the children stay in touch is by newsletter, evidence of the fact that the children use the network as a quick way of reaching other children the world over and passing information around.

3.2. Conclusions and discussion

The discussions during the conference showed the children felt very much involved in their own future and clearly wanted to have some say in it.

So from the outset everyone seemed to be of one mind. Everybody agreed "something

must be done, now!". But it was when the discussion started on what exactly had to be done that the first differences of opinion came to light. Thus the children became aware that constructive debate was needed to define the visions, problems and proposals. With the help of a facilitator and the Noble Prize Winners it became possible to conduct a constructive debate, rationalising emotions and producing concrete proposals. According to the organisers, giving children the opportunity to rationalise their emotions in an orderly debate is essential, if concrete proposals are to emerge. In this sort of debate it is of the utmost importance to limit the influence of adults.

Another conclusion is that the Nobel Prize Winners are just the people suited to help children formulate concrete ideas. They have experience and can give the children practical information. Nobel Prize Winners are not self-seeking, and thus gain the children's confidence.

During the conference one basic assumption of the Foundation was proved correct: children are capable of influencing makers of the future. The makers of the future who where questioned during the conference took the children's questions and remarks very seriously. Other organisations to which questions, requests, etc. were addressed responded seriously. This is clearly demonstrated by the fact that Minister Pronk added a number of children to his delegation and that Mikhail Gorbachov described the meeting with the Nobel Prize Winners in his book.

While they were at the conference the children generally had the feeling that they could cope with the world. As the end of the conference came nearer, many struggled with the uneasy feeling of having to return home and cope with everything on their own again. The suggestions for individual activities were very important to them, as was the task of putting these activities down on paper in their individual action plan. From this the organisers drew the conclusion that it is of the utmost importance that children are first given confidence to enable them to carry on efficiently at home.

The international network is essential if we are to promoting the aims of the Foundation. The network is a source of information, involving children from all over the world. It is valuable as a means of providing children with the stimulus they need to do things on their own. In conclusion, the network can be described as a foundation for future activities.

3.3. Follow-up activities

At the moment a number of children in Chile, Germany and Venezuela are organising similar smaller scale meetings. All these meetings have the same purpose: putting forward a view on the position of children in society.

A number of children taking part in the conference talked to heads of state or government representatives and other makers of the future. The children put the initial results of the conference to them in the form of a leaflet.

Every two months, a newsletter is sent out from the Netherlands, an initiative taken by children who attended the conference. This newsletter is also circulated via various networks.

For the organisation of a follow-up conference in 1992, the council has received the

support of the Dutch Ministry of Development. Initial ideas are beginning to take shape: the main aim will be to involve less-privileged children, the theme will be one of the problem areas identified during the first conference, and individual action plans will be given even more emphasis.

4. RECOMMENDATIONS AND SUGGESTIONS FOR AN INDEPENDENT REPORTING AGENCY

The lessons and insights provided by the "Voice of the Children" conference can help us significantly in the task of setting up an independent reporting agency to monitor respect of the rights of the child.

A first logical step seems to be the inclusion of children in the reporting agency. They must represent all the children of the country concerned. Involving all children directly is impossible. A better starting point is to set up a national children's network from which representatives can be selected.

Children's meetings can be held to start up a network. Meetings might:

1) sketch out the role of children in the reporting agency. The children have to have a structured debate on their own role and that of adults in the reporting agency. This debate must take place with as little interference (influence) from adults as possible. The support received by the children must be from people who have no direct interest themselves in the reporting agency to be set up

2) set up network which can be a source of valuable information on problems in any given country, for the report on implementation of the UN Convention on the Rights of the Child

3) appoint representatives to the reporting agency

4) draw up a concrete plan of action the children can use at home

5) indicate follow-up activities such as regular reporting meetings, and develop strategies to involve more children in the meetings, for instance by holding information meetings in schools.

It would be a good idea to involve a group of Nobel Prize Winners, ex-politicians, former managers of large companies, etc. in the reporting agency who can bring their experience and knowledge to bear in support of the children.

The Council for the Future of the World's Children is happy to provide further information on its activities. Its address is:

Amsterdam Council for the Future of the World's Children
Vossiusstraat 43
1071 AJ Amsterdam
Telefax (0)20-6710522

Appendix: Experiences of a participant to the International Conference "Voice of the Children"

When I left the last day the conference I remember asking myself how the world would be thirty years from now.
With the same expectations I believe, was when I decided to write my application essay in the first place. More then a true desire to meet people and make friends I thought that the opportunity to meet thirteen Nobel Prize Winners was too good to miss, the chance to express my ideas and to be heard by them. I did not expect the emotional shock or the experience that I lived in those eight days.
My feeling when I entered the lobby of the hotel was one of incredible peace and commitment, and when I begun to talk to the 84 kids I understood that I was not alone, that all these young people thought like me, and had the same feelings as me. The atmosphere was fantastic. Little details like putting our flags outside the hotel and the excellent facilities gave us a great sense of satisfaction. One of my surprises was to see how fast we got to meet each other, and how easy it was to dialogue. It was incredible to talk to Adolfo Perez Esquivel, the Nobel Prize Laureate of Peace the first day and express my concern about something that I normally would not be taken seriously by most adults, in this case the poverty of my people. The discussions was something I will remember very well. In the corridors, in the streets, in the conference halls, in the discotecs and in the beach the simple fact of talking and exposing myself to other cultures, other ways of thinking and reasoning was an incredible chance (example South Africa, Israel, Guatemala).
In those days we discovered things like the "Third World" does not exist, that each country within its boundaries has its own third world to be ashamed of, that even our different backgrounds were not a cause for not communicating ourselves. I also discovered how fast my point of view changed when I talked with somebody that had lived under a communist state, or a dictatorship and I felt I changed the mind of many and their mistaken thoughts about Latin America. The process of doing a book, a play, a video, assisting to interviews, field trips and meetings was in a sense the biggest amount of work I ever did in my life, I did more work in eight days there then in all my school year. No one complained.
It was not easy to reach a consensus in many of the discussions that followed those days. The Europeans were only interested in environmental issues, the African and the Latin Americans in development, the Eastern Europeans in acquiring knowledge, the Asians proved to be, in my opinion, the best because they were able to combine themselves in a wide diversity of cultures. In a few days however I forgot the country where my friends came from and concentrated in the individuals. For a moment I thought I was in a kind of United Nations, but then talking with a Russian and a Hindu one night we reached the conclusion that unlike the United Nations none of us had political interests or economical reasons for being here. That money here was not the thing that was being discussed and that although all of us detested being called "children", we were proud of being such. We also came to the reasoning that us as young people were not taken seriously because most of us did not vote, we did not pay taxes or it was thought that we did not have the preparation to do things.
It was difficult to make a book in eight days. Or do a play, but the overall results in both were very productive. We understood the importance of organization and working together in groups and exposing then our ideas in plenary meetings. I discussed too much whose fault it was and less what we could do about it. In this, we were caught in the trap of the adults, while the developing nations protested and told the developed nations that it was their fault quite a lot of time was lost. But at the end I think that both to discuss these things and to express them later in a play and a video were necessary. In this process the children of the developed nations realized what was happening in other parts of the world and the others comprehended that we had to find common solutions and not independent ones. We were, I am happy to say, one voice at the end of the conference.

The play was in a sense a vital part of the meeting. It provided a way to show to others what we had done that week and how we felt about it. The process of doing it by ourselves, and with so many people involved was the most difficult problem. To create and give it to the public was our most important goal. I think we achieved both. The emotion and the overwhelming outcome of the production turned the way of thinking of many people in the audience, we thought that if at least one of them was thinking a bit more about "thinking globally but acting locally" we had achieved our purpose.

I must be sincere to say that at the end of the conference I was not happy with the results. In first place I missed all my friends I had acquired in eight days and that suddenly had disappeared from my life. I got so fed up with the book that I did not read it until many months later. Later I felt very glad of going, of collaboration in the book and of being part of something that was to reach so many people with power. I cannot describe my feelings and the feelings of everyone who was there when we left, and in this I would like to include the facilitators, and some of the Nobel-Laureates. Later I realized two things. The real prize I thought out, was that for eight days I had the chance of discovering myself as an individual who had to live in a global society and who was not alone, someone who had discovered that the same problems were and are occurring in India, in Chile or in China. I also discovered the enormous potential of young people.

Nearly one year since Noordwijk my memory has started to fade in many aspects about the conference. But Noordwijk was just a turning point in our lives. In Lithuania one of my friends, Marek (17), got together Russian kids from nearly all the Soviet Republics to talk about their future as peaceful independent nations. Daniela Zunec (18) from Yugoslavia is bringing together Chees, Hungarians and Yugoslavian children from different ethnical backgrounds this summer to discuss how central Europe should respond to its problems. Kids have been interviewed in their countries, written articles in newspapers, magazines, given lectures in schools and distinguished universities. We discovered that we could be heard and that we had to do things by ourselves and not told by others how to do them.

My own personal initiative was to create "Initiative Without Borders", the International Newsletter of the Voice of the Children. It started as a desire and a need for us to communicate. For most of my friends it is not a simple process to keep in touch and write every month to 20 or more friends around the world. It is not a cheap thing to do either. I sent out a chain letter telling my idea to some of my friends. In January I got the first article from Jordan. Today "Initiative" reaches 62 countries adding five to the original 57, you can find it in Russian, Spanish, Arab and soon in French and Hebrew. These articles reach schools, government buildings, United Nations Organizations and other youth groups. It has no copyright, photocopying is encouraged and any young person can write in it.

In conclusion I think that in the degree that young people are exposed to other cultures and ways of thinking, and if in that process we are left to determine and realize our own ideas we could prove to the societies we live in, those societies full of false dogmas and wrong purposes that they would be better off with us then without. I would like to use a quote that we used to begin our book in the conference, it is from Goethe and says: "Whatever you can do, or think you can do, do it, begin it. Boldness has magic and power inside it. The grave gives us time for rest when we are at it".

On behalf of them, thank you.

Gerardo GONZALEZ

CHILDREN'S EXPRESS: BY CHILDREN FOR EVERYBODY

Robert CLAMPITT

It is a great pleasure to be in Brussels participating in these important seminars. I wish to express my thanks to Professor VERHELLEN and his colleagues for including me and to the King Baudouin Foundation for its sponsorship.

I am here to discuss a program called Children's Express, which I founded 18 years ago and continue to direct. Children's Express, or CE, is both a child development program and a news service reported by children who are 13 and under led by teen editors. In this discussion, I will spend some time on the state of children in America today and on antecedent development theory. I will also describe Children's Express methodology and the system of oral journalism that has evolved over the years. Finally, I will cover some of the highlights of Children's Express history.

Most people in the United States view themselves and their nation as being child loving. They respond generously to appeals when children are seen to be suffering. It is my conclusion, nevertheless, that any child in the United States who is not under the protection of a loving family is probably in profound trouble. Children in foster care stay in that egregiously flawed system for an average of six years, usually moving from one home to another, and those who administer the system are rewarded financially for keeping them there. Children who are incarcerated for non-criminal status offenses or minor offenses are mixed with violent criminal children and often with adult criminals in a system that provides the best method yet devised for transforming non-criminals into criminals. Another form of incarceration is provided by mental institutions. Tens of thousands of middle class children are placed in U.S. mental institutions each year, usually by concerned parents, for problems that most of you would consider normal to adolescence. A final example: Children in the center city, who often lack a minimum of parental support, are provided with little, if any, support or health services and often turn to peers in gangs for their societal needs.

Here is an overview – a day in the lives of American children as described by our foremost research and advocacy organization, The Children's Defense Fund. Each day:

1,858 teens drop out of school
988 American children are abused
2,989 children see their parents divorced
1,099 teenagers have abortions
1,287 teenagers give birth
110 babies die before their first birthday
27 children die because of poverty
5 school age youths are murdered
5 teens commit suicide

Yet, the United States has not yet signed the United Nations Convention on the Rights of the Child. The United States, therefore has no present obligation under the convention to submit reports describing these problems or many others that abound in our country.

Over the years, we have spent large amounts of time, energy, and money in attempts to determine the causes of these rotten outcomes among increasing numbers of children and teens. We studied the impact of television and film violence, poverty, working parents, single parent households, drugs and alcohol and much more. We analyzed the effects of self-deprecation, low self esteem and powerlessness.

In short, we learned a great deal about negative cause and effect but that information has not, in my opinion, yielded much in terms of successful development and education strategies.

A more productive approach was taken in June, 1970, when a group of experts got together in Scituate, Massachusetts to consider this question: "Why is it that most youth manage to grow from infancy through stormy adolescence to accept a useful, productive place in the life of the community?"[1]

Three critical developmental factors for youth identified at Scituate were (1) access to socially desirable roles (2) to be seen positively by friends, family and teachers and (3) to feel substantial personal control of the direction of their own lives as integrated members of the community.

An important step toward being seen positively is to reduce the negative labelling of youth. Treating children and teens as capable people will help them to take on attributed qualities; treating them as low achievers, trouble makers or someone to be feared can produce the behaviour that is expected.

A well known American experiment, called "Pygmalion In The Classroom," involved I.Q. test scores. Fictitious I.Q. printouts with high and low test scores, assigned by chance, were handed out to sixth and seventh grade teachers. The teachers, unaware of the ruse, treated the students accordingly. The students labelled, by chance, as bright tended to gain substantially in I.Q. while those not labelled as bright did not show similar gains.

Extending that principle, if it is predicted that a whole category of youth are too ignorant to learn, and behaviour toward them reflects that prediction, then they are more than likely to grow up ignorant and the original prediction will seem correct. This, of course, is called a "self-fulfilling prophecy."

Sets of such prophecies or low expectations are built into many American schools in a practice called "tracking" where you group all the slow kids together. Such "ability grouping" rarely takes into consideration forms of intelligence beyond those traditionally valued in school settings – verbal and mathematical or logical intelligence.

Harvard psychologist Howard GARDNER asserts that everyone has at least seven different intelligences:

[1] A Strategy for Youth Development, Grant JOHNSON, U. of Colorado.

- *interpersonal intelligence:* the ability to understand other people's moods and concerns
- *introspective intelligence:* the ability to understand yourself, your own feelings
- *spacial intelligence:* the knack of visualizing shapes or location with movement and dimensions
- *bodily intelligence:* when the muscles have their own memory and meanings
- *musical intelligence:* thinking in sounds in their infinite variety
- *verbal intelligence:* the ability to use words – spoken, written, or just heard
- *mathematical or logical intelligence:* numbers, symbols, abstract relations

The question we should be asking, according to GARDNER is not "How smart are you," but "How are you smart?"

Of course, I understand that GARDNER's view of intelligence is controversial but I feel a degree of resonance growing out of my years of work with children and teens. I am inclined to think in terms of different ways of gaining access to knowledge. How does a child gain such access – we must open up varieties of ways. Discovering your own strengths can transform attitudes. Discovering what you're good at is critical to success.

Such discoveries do not come easily. However, I believe that Children's Express offers children and teens ways to gain access to knowledge and to discover and develop their strengths.

Children's Express was launched with the publication of a prototype magazine in 1975. It was, at that time, "by children for children." It featured a story about an ape named Nim that was said to understand 100 words. There were other stories about white water rapids and a doll hospital. It was, in short, an adult's idea of what would interest children.

The organizational and conceptual transformation of Children's Express took place at the Democratic National Convention in 1976. At that time, there were 16 CE reporters and the idea of the teen editor had not yet been born. I made arrangements for pre-convention passes into Madison Square Garden in New York, where the convention was being held. My instruction to the young reporters, as their publisher, was to find out how a political convention is put together. I advised them to talk to telephone installers about communications and carpenters about construction; to hot dog vendors about customers and electricians about lighting. Not one of the CE reporters did a single one of the things that I had suggested.

When we arrived at the Garden, we found it inhabited by the big-time news broadcasters of national television – Walter CRONKITE and Roger MUDD; Bill MOYERS, Dan RATHER and many others. Without briefing, the kids went after the political stories. Did CARTER have the nomination locked up? Were there going to be any civil rights disruptions? If CARTER was nominated, who would he choose as his vice-presidential running mate?

Then they went into the convention itself and got the two major stories of that convention.

Children's Express became the sensation of the 1976 Democratic Convention when our tiny tabloid newspaper scooped the world press on CARTER's selection of Walter MONDALE as his running mate. In a second major story, they got onto the convention

floor and interviewed Mayor Richard DALEY of Chicago. The mayor declared that the press had invented the story of riots at the 1968 Democratic Convention in Chicago. His only problem was that the whole world had seen it on television. He became the laughing stock of the convention.

Here's how CE works. Over the years CE has developed a system of oral journalism that enables children of diverse ages, backgrounds, skills and literacy levels to become CE reporters and teen editors. Oral journalism means that all the work that goes into a story, including questions, follow-up questions, responses, debriefing sessions, and roundtable dialogues, is tape-recorded, transcribed and then edited into a final story.

In general, Children's Express reporters are ages 8 to 13, and editors are 14 to 18 years old. Responsibility for story ideas, research, reporting, interviews, editing and training of new journalists is divided among them. Reporters are the ones out there asking the tough questions – it was an 11-year-old-reporter who pursued then Vice Presidential candidate Dan Quayle on the abortion issue until he declared that he would require a 12-year-old who had become pregnant by her father to have the child. CE reporters read background materials, research the issues and people they are reporting on, and write out as many questions as they can before they enter an interview. They specialize in follow-up questions – assessing on the spot what they have heard, and seeking to pin down issues and answers that may have been only vaguely addressed by an interviewee.

Teen assistant editors are the heartbeat of Children's Express. They are responsible for all training, managing CE News Teams, logistics, editing, briefing sessions for reporters, debriefing sessions where reporters talk out the stories and the issues, and leading outreach roundtable discussions with children in trouble. Their jobs require patience, skill, careful planning, understanding, and an ability to listen. In fact, listening is key. More experienced editors – and we've had some who have been at CE for more than eight years – are responsible for training trainers in the CE process. Training procedures and debriefing techniques are the subject of ongoing special training workshops, discussion and review among teen editors.

Adults at CE do their best to stay in the background, since this is a kid-powered organization. The most important adult role is to support children and teenagers in taking on all the responsibility they want and can handle. Adults also are responsible for publishing, business management, public relations, project development, fundraising, transcribing, final editorial review and assignment coordination.

CE stories are in one of two formats: interviews and roundtable discussions.

A roundtable is a discussion in which either CE reporters or other children in the 13 and under age group discuss personal experiences they have in common. These for example may be: divorce, school, siblings, friendship, being in gangs, drugs, pregnancy, fear, living in poverty, being in institutions, enemies, alcoholic parents.

Roundtable dialogues act as windows into the hearts and minds, fears, fantasies and dreams of young people. What comes out of these dialogues is often startling, because many of these kids have never been listened to before. For example, this is what a 17-year-old gang member said of the gang in a roundtable with members of our Indianapolis bureau: "To me they're just like brothers. We're all just one big

family. I feel and hope I'd die for them and they'd die for me if it came to it. It just got that thick after all those years. It's most of my life right now. You move up in the gangs in a lot of ways. You can shoot, you can stab, break in stuff, steal things. I have a buddy that shot his own father for the gang."

The second format for Children's Express stories has an interview as its base. CE reporters and editors conduct interviews with community, civic, political, business, academic, scientific and other leaders; with child advocates and other advocates; with experts and specialists; with thinkers, visionaries and other interesting people on given topics, all with teams of 4 or 5 reporters led by teen editors.

Some of CE's more spectacular interviews have included Presidents CARTER, REAGAN, BUSH, and CLINTON – and even a prime minister. Yes, Children's Express was invited to England by Channel 4 to interview Prime Minister Margaret THATCHER during her last re-election campaign.

While I don't usually go along on CE interviews, I was there for that one. The place was the home of a friend of Mrs. THATCHER and CE was there a half hour early. The CE news team awaited her arrival, eagerly and nervously.

When she came in, she did not speak to or greet anyone. She addressed the group in the room and said, "Who is in charge of this?" When the Channel 4 producer identified himself, she said, "How long is this interview to be?" "Forty-five minutes," he said. Her head snapped back. "Forty-five minutes?" she said. "And how long is it to run?" she said. "Seven minutes," responded the producer. "Then the interview shall be seven minutes," she said.

The CE News Team was wide-eyed and amazed. Nevertheless, they proceeded with the interview like the troopers they were. After seven minutes, the producer said, "That's seven minutes, Mrs. THATCHER." "Let it run," she said and gave CE a forty minute interview.

After the interview, the Prime Minister stayed and chatted. She was very gracious. When our news team members later groused about what had happened, I explained that they had seen an extraordinary professional in action. She did not know who these American kids were, really, and she did not want her words edited out of context. When she recognized the quality of the interview and the preparation, she allowed it to continue.

Children's Express supplies its national column to subscribing newspapers. Each bureau is responsible for maintaining a working relationship with local newspapers. In addition, all CE News Bureau members are encouraged to submit ideas, essays, poems or illustrations to CE's magazine, the *Quarterly*.

An important characteristic of Children's Express is that it brings together children and teens from many backgrounds – racial, ethnic, and economic. Moreover, through the practice of oral journalism, young people with a wide variety of skills, literacy levels and attainments can take on important responsibilities and perform successfully. Many different kinds of intelligence can work at CE.

Interaction with one another and with the issues that affect children and teens is vital preparation for young people who are entering a rapidly changing world. What is involved is a passage from passive to active.

CHILDREN'S RIGHTS : MONITORING ISSUES

From the time children enter kindergarten, if not before, they are greeted as consumers with little chance to experience themselves as producers. They are consumers of educational curricula, consumers of television broadcasts and commercials, and consumers of family resources. The world, as represented by adults, is constantly layering data on children – what to do, what to learn, what to buy, how to be – often leaving the self within the child alone and unexpressed.

Television, which absorbs enormous amounts of their time and provides unprecedented access to information, only adds to their experience of passive isolation. Without participation, there is little to motivate their learning.

Children's Express nurtures the child's participation and self-esteem through journalism. It provides a path through which children can begin to integrate their own developing values, express them and experience themselves as making a difference.

Whether the subject is global or local, scientific or political, responsibility is the key to generating personal interest and participation among children. When a child's ability to contribute is recognized and supported, when a child is depended upon to gather, integrate and respond to information, transformation occurs. Responsibility, therefore, serves as the catalyst wherein the child's view of himself or herself and of each other is transformed. The extension is the altered view of children which takes place among other children and teens and among adults.

The mission of Children's Express is to give children a significant voice in the world. CE print journalism has been nominated for a Pulitzer Prize and the Children's Express News Magazine won a Peabody Award – America's most prestigious television award – not in competition with children's programming but up against the major adult news shows. And we won it for coverage of the presidential campaign of 1988. Time Magazine said, "TV's hardest-hitting newsmagazine show is by kids." Joanne OSTROW of the *Denver Post*, said, "Youthful looks belie the kids' aggressive news-gathering abilities. Their questions are incisive and hard-hitting, often because of their innocence. Perhaps if Sam DONALDSON looked this ingenious at White House press conferences, officials would respond with straighter answers." That truly is what happens when you trust kids with important responsibilities.

Here are some highlights from CE's 18-year history.

In 1977 CE news teams launched an investigation of incarcerated children in America and were so shocked by what they found that they wanted to do more. It was decided to hold three days of public hearings in the nation's capital.

The 1978 hearings on incarcerated children were covered live for three full days by public television. There were major stories in the *Washington Post*, *The New York Times* and scores of other newspapers. And I learned something new about children.

I learned at those hearings that all my ideas of "thresholds" and limited attention spans of children were irrelevant when children are carrying out important responsibilities. Ten to thirteen-year-old children sat for hours listening to and cross-examining witnesses. When it came time to change shifts, they were reluctant to give up their examiner seats.

Something else I learned at those hearings was our society's capacity for cruelty to children. Can you believe that solitary confinement is routine treatment for children

as young as 9 years old in most of our 50 states? And what do the children call it? "The hole." "The loony room." "The coffin box." "Cockroach playground." One witness testified:

> *"By solitary confinement, I'm talking about placing a child for a prolonged period of time in a very small room, usually windowless, that sometimes has a toilet and a mattress on the floor. The child is punished for an assortment of reasons – some serious and some not so serious: wishing a man would die; throwing soap at another boy; smoking in class; pretending to be ill; tearing a tag out of jeans; writing 'I love you' to a female teacher; masturbating; and if you can comprehend this, for attempting suicide – that is a common reason for throwing youngsters in solitary."*

A poem by a 16-year-old girl really sums up the atmosphere and the deadly depression of isolation. She wrote this poem after six suicide attempts and just before a final successful attempt.

> *"There is a crack in the Earth*
> *And I have fallen in.*
> *Down in the darkness where I have never been.*
> *People are looking, staring at me;*
> *I lie here and wonder what do they see?*
> *Shall I be here forever?*
> *I cannot climb back*
> *Rotting and dying in this horrible crack.*
> *Am I alive or am I dead?*
> *Oh God, who will save me*
> *From this crack in my head?"*

Children's Express later interviewed an 8-year-old child confined without psychiatric examination to a mental institution. Here's what he said:

> *"I was scared the first day I came here. There was a guy who was walkin' weird and I thought he was gonna come in our car. I didn't want to talk to him. I didn't want to say, 'Hi.' I thought he would say, 'Oh shut up!' I was scared. I didn't know what to do.*
> *And then I saw that lock on the door. And I saw the big gate and the wall so the psycho kids don't get out and the retarded kids don't get in.*
> *I cried in the 'time-out' room for a couple times. Time out room got nothin' in it. It's a room and you can't get out-collision room. They keep you in there a week or a day. Sometimes they lock the door and sometimes they don't.*
> *You pull the rug apart. Sometimes you're in the time out room and you climb up on the wall and you break the sides. You put your hand in your pocket and go, 'Bang, bang, bang.' Five days was the longest time I was ever in there. I'm 8 years old."*

In 1979, Children's Express published its first book, entitled *Listen To Us*. In it, children talk about every aspect of their varied lives: One 13-year-old girl seemed to speak for all when she said, "I'm afraid to tell you who I am because I'm the only me I've got and you might not like it."

CHILDREN'S RIGHTS : MONITORING ISSUES

CE's first major story for an international magazine came in December, 1979. On assignment for Rolling Stone magazine, a CE News team travelled with me to the refugee camps in Thailand and Cambodia. Two 13-year-old reporters and a 16-year-old editor talked to countless children who had escaped from the Khmer Rouge. Here's what 13-year-old Felicia KORNBLUH said of the experience:

"Going to Cambodia is not something one forgets or leaves behind quickly or easily, now or ever. What was most mindblowing about Cambodia was looking at these children and how they managed to hold on. I was there. I was being told, and feeling that I was a journalist. Nobody else was getting this story. Nobody else was sitting down and bothering to go enough down to the ground to talk to the kids and ask them their story.

To be able to just walk into a refugee camp and to the orphanage and start talking to some kids, that takes a lot of gall, or something. You have to not be self-conscious enough to realize that you are doing something pretty crazy."

For the past three years, CE editors have been at work on a book called *Voices From the Future: Our Children Tell Us About Violence in America*. It has been one of the most compelling experiences of my life and I know in the lives of our young editors. Here's what American educator and author Jonathan KOZOL says in the introduction:

"Here at last we have an oral history of poverty and violence in the United States in which the questions have been posed and answers given by young people. It is a shocking and compelling work, refreshing in the vividness of detail, terrifying in the narratives that fill its pages, ultimately redemptive in the visionary longings that so many of these fascinating children and teenagers have been able to express."

He goes on to say:

"The wealthiest nation in the world has compromised its honor and betrayed its best traditions by an institutionalized, persistent, and sometimes sadistic viciousness toward its most vulnerable citizens – the only citizens who have no vote, no legal rights to speak of, and no public voice."

In gathering voices for the book, CE teen editors used the example of our previous books, *Listen to Us!* and *When I Was Young I Loved School: Dropping Out and Hanging In*, to show the interviewees – many of whom were hardened from years of violence, living on the streets, drugs, alcohol, prostitution – what would happen to their interviews. Time and again children and teens were deeply moved to see that by participating in the project, people will hear their stories and that their stories would make a difference to other youth in trouble. Many teens, closed or even hostile at the initial meeting with CE teen editors, looked forward to follow-up interviews. For many of them, this was the first time anyone had ever listened to them or truly cared about their experiences.

Eric is one of the teenagers interviewed for the book. Here's what teen editor Sarah YOUNG said about him in her introduction:

"Eric and his friends and people in their neighborhood all live a life of fear.

CHILDREN'S EXPRESS: BY CHILDREN FOR EVERYBODY

They're all afraid that they're going to get shot. It's very common for them to have, if not a gun, some sort of weapon on them at all times for protection.

After the interview I felt a big hole in me, like something bad had just happened. Because Eric made me feel like I was a part of his life. When he would tell a story, I'd feel like I was just standing there. I felt like I was there when his friend Hector was hit with the gun handle."

Here's an excerpt from the interview with Eric:

"I'm sixteen years old and I'm Spanish. I'm Dominican. I like to rap and stuff like that. I like to dance, too. I live in Brooklyn and it's kind of a rough neighbourhood there, where I live.

Out there where I live, they sell a lot of drugs. They have a lot of guns out there. You don't want to get involved with it. I used to be scared, but now I'm not scared because I know how the whole thing goes. It's like, they done it so many times, it's like, forget about it, whatever happens, happen. To me it doesn't matter, it's like, I'm eating and watching TV and it's like somebody shoots, it's like wow. It's like a firecracker, so I'm not going to pay attention to it. That's how it is out there where I live.

They shoot each other just to have fun, you know. It's like it's going crazy. Our block is crazy. I don't have a gun now, but I used to carry weapons, like knives, kitchen knives that could really cut. Like a meat cleaver or something like that. I did it to protect myself in case anything happens, you know. Like if anything goes down, if anybody tries to rob me or something, it's just right there and I could pull it out. Because it's all by respect, you know.

It's not like you can just walk down the street. In my block if you get beat up you're a pussy, man, you're the lowest. You do not belong on that block. So that's why you have to have your respect, so nobody will mess with you. And the way you get respect is if you go out there and you fight other people on their block, you get respect there and then. They'll hear about you and then it's like, once you have all that respect, people are going to see that you know what's up, you're big like them, they ain't gonna mess with you. That's the way it goes. That's the biggest thing in the streets, to have your respect."

Following that interview, CE trained Eric and two of his friends to be CE editors. They travelled the country for Children's Express and conducted many interviews. Eric was shocked and deeply impressed to learn that in Atlanta it is "cool" to walk away from a fight.

Here's what Eric had to say about his work on *Voices From the Future*:

"I'm real afraid and I just want to say to drug dealers out there, Yo, take it easy. I understand that you want to make your money, maybe because you're not living too good, but you gotta also realize that it's causing a lot of problems, man, it's like taking lives away that are innocent. A couple of buildings down from my building I see kids buying stuff down in the basement, and I say to myself, Damn, these kids are going to end up one day getting shot or behind bars or six feet under. Violence don't stop when there's drug dealing. The whole world's gonna come apart.

I hope this book will help kids who are in trouble. I think this book is a real good hit because it's talking straight up about the problems that we're facing today. This is it, man. I feel like the effect of these kids in this book is gonna be powerful. It's gonna be powerful because they're talking dead-up nineties-style, you know, the real thing. Raw.

I'm glad I got into Children's Express 'cause I got to travel, learn more about things, learn about other people's lives, meet new people. I'm still that type of hoodlum that I was. I'll never change that style. But I have changed a lot inside. People still look at me as a hoodlum but, you know, there's more than just looking at a person like that. I know I really look like a hoodlum, but deep down inside, you meet me, and I'm a real nice person."

Eric now wants to go to college and we will do all that we can to support him. Incidentally, I think he's brilliant.

Children's Express has also taken the oral journalism methodology and developed a curriculum enrichment program called Reporting, Editing and Publishing – REAP, for short. Under a grant from the Edna McConnell Clark Foundation, REAP has been tested in disadvantaged middle schools in Louisville, Kentucky, and San Diego, California for the past two years.

The students in these schools stand a very good chance of becoming one of the statistics I quoted earlier. They live in poverty; they carry weapons to school; they are the children of recent immigrants and of minorities; they are the children of children.

The schools suffer from poverty as well. The classrooms are crowded – often 35 to 40 students – and chaotic. Some schools are too poor to provide students with notebooks. Yet, despite the conditions in which these children live and go to school, the REAP Program has reached more than a thousand of them. "We want to expand Children's Express to all twenty-three middle schools in the District and to other interested schools in the state," writes the Director of Educational Support in Louisville.

The REAP Program enables children at all skill and literacy levels to work together, sharing responsibility equally. One teacher in Louisville took elements of the REAP Program and shaped a special education curriculum. She saw early in her experiences with REAP that the program benefits students who do not respond to traditional classroom approaches. In one San Diego school, where 40 different languages are spoken in the homes of students, the REAP Program will now be incorporated into the schools mandated curriculum – ensuring that all students are exposed to this powerful learning experience. It is important to note that in both cases, the teachers themselves have determined the program's value to their students; they have seen the eyes of formerly truant or disinterested students sparkle with the excitement of learning about something that affects their lives, through a process with them in control.

And REAP has changed the way teachers think of their students. One teacher told us about one of her students in the REAP Program:

"When he was getting to do things and he was getting listened to, he carried himself totally differently. Even though a lot of teachers figured he wasn't going

to do his school work, for a period of time he did do his work. Not just for the REAP class, but for all his classes. He got excited about being a good student. This is a kid who has failed every class all year long. Yet I can see areas where he really shows leadership. And he's intelligent."

By providing students with a range of activities – research, question writing, interviewing, leading group discussions – students blossom, demonstrating skills that often remain unnoticed and undeveloped in a traditional classroom. Students who have been labelled trouble makers become dynamic interviewers, using their abilities in a positive way. Students show themselves and their teachers that they are capable.

Students also play an active role in determining what topics they will learn about in the REAP Program. The program is fueled by their interests. In this way, students are responsible for the content of REAP. And as they see that their concerns are taken seriously and that they can make a difference, their interests broaden to include community, local, national and international issues. For many children, this is the first time they see themselves as having control of their education and their lives.

REAP is, I believe, one successful development and education strategy that the experiences and observances over the past 18 years of Children's Express has yielded. We know from students and teachers alike that REAP empowers children and teens, enabling them to break out of the downward cycle of low self esteem and keep from becoming a self-fulfilling prophecy. A member of the Louisville school superintendent's office reported to me that even when the program has been placed in the hands of uninspiring teachers, the students are excited about it and about learning. The most important thing the REAP Program does is awaken the child's interest, and by doing so, his or her stake in the world. Jim GOOD, a teacher in San Diego, said, "REAP is the most valuable program for kids I have come across in my 17 years of teaching."

To close, I would like to share some comments CE reporters and teen editors have made about Children's Express over the years.

"I never dreamed that I would be a reporter. I was only a kid, you know, and now I feel that I can do it and am capable." – Robin Moulds, 12

"And you know, I think now I'm sure of myself, not only as a reporter but as a person." – Cynthia Nixan, 9

"CE gave me the feeling that if I can be a reporter as a kid then I can be anything." – Camille Williams, 12-1/2

"Children's Express has given me a voice. It has given me knowledge about the world around me. It has given me the chance to gain respect. It has given me a new sense of responsibility. Children's Express has given me a first step to bigger things in life." – James Penn, 13

"Children's Express is all my anger, pride and fear put down on paper. Children's Express has given me what no one can take away – my voice to express what I feel about what kind of world we live in. And that is what Children's Express means to me." – Stacey Quintin, 14

WORKING CHILDREN, LEADING THE STRUGGLE TO OBTAIN AND DEFEND THEIR OWN RIGHTS

Nelly TORRES

WHAT IS MANTHOC

MANTHOC stands for "Movimiento de Adolescentes y Niños Trabajadores Hijos de Obreros Cristianos": a movement of Christian working children and adolescents. It was the name chosen by children during a lively discussion on 15th March 1979 in a camp south of Lima. At the moment the MANTHOC is composed of a number of spontaneously formed groups of children. In these groups children try to solve their own problems, while realising that their organisation is there to serve not just its members but all working children.

This is how they see themselves. They have the feeling of being not just a group of children, but an organisation which encourages in its members a sense of collective responsibility for themselves and for other working children. At the same time they feel they represent working children, how they live and what they want.

This is why they feel the need to share the experience they acquire in their organisation with other children. The educational vocation of the Movement stems from this.

The sense of being an organisation goes hand in hand with the discovery of group identity, of belonging to a community in a given neighbourhood. The fact that groups were set up in different parts of Lima and met each other, made it possible from the very beginning for each group to grow stronger, using the experience of similar groups. 6 months on, the first summer camps were held. It was there that the idea was conceived to establish some form of co-ordination of common objectives and actions.

This concrete experience led to the idea of setting up a real organisation.

The birth of an organisation of working children and adolescents.

In 1976 a group of children from the Juventud Obrera Cristiana (Christian working class youth), who had worked in factories and work shops and had lost their jobs felt the need to set something up with other working children and young people. We met in a political and social context marked by the reversal of the reforms of the Military Government and an increase in repression. Many workers lost their jobs, the state of emergency was declared and a number of rights were revoked.

Most young people had difficulty finding a stable job in a factory, a situation made worse when 5000 people were made redundant in July 1977, and by the new legislation on redundancies.

In this social and economic context, working class children also struggled with an identity crisis which got worse in the eighties and nineties.

Against this background, towards the end of 1976 we felt the need for an organisation of working children and adolescents which would give them some experience of working with an organisation at their own level. We aimed our activities at members of the Juventud Obrera Cristiana and children, especially working children, from our own neighbourhoods. Why? Because, as far as we knew, in Peru there were no other civic or church organisations dealing with working children. This absence of an response to a reality which was getting worse by the day, involving more and more children, and ever-deteriorating working conditions was for us a sign of the times and the impetus to start what would one day become the MANTHOC.

WHAT IS THE STATE OF PLAY AT THE MOMENT?

The MANTHOC has become a national organisation. There are groups in 13 cities, on the coast, in the mountains (the Andes) and in the Amazon jungle.

We have zonal, regional and national delegates (all working children and young people) who together form the Co-ordination of National Delegates. We have a (young) Collaborator who gives guidance to children and like them is elected for a 3 year term during the annual National Assembly.

The MANTHOC has groups in war zones such as Agacucho, Ayaviri, Pucallpa, and also groups among children displaced by war such as in Ica.

WE ARE A MEMBER OF THE MIDADEN

We have been a member of the Movimiente Internacional de Apostolado de los Niños (International Children's Missionary Movement) since 1982. Our delegates at the International Meeting in Olinda (Brazil) applied for membership on our behalf. This offered our children and young people an opportunity to become aware of the international dimension of their action. In the MIDADEN together with other Latin American countries we have contributed to thinking on the living conditions of working children and young people. In this way in recent years a lot of progress has been made on behalf of working children in other parts of the world. So far the MANTHOC is the only national organisation belonging to the MIDADEN which represents working children and young people.

OUR ACTION: THE SCHOOL OF DAILY LIFE

It is however through our weekly meetings and through the activities of the groups belonging to the MANTHOC that children have gained a number of insights, and acquired experience which helps to fill the gaps in research on working children. A number of groups have repeatedly conducted a census in their neighbourhoods to ascertain the exact number of working children. This has also made it possible to get first hand experience of working children's problems: health, education, use of leisure time and hopes for the future.

Direct contact with working children has heightened our awareness of the fact that an effective response to many distressing problems has to be found urgently. Most groups encountered problems of drop-outs, of low educational achievement , and of children living on the streets.

The children of the MANTHOC themselves are at a loss as to at how to solve so many problems. They feel the need to organise their activities better. They want to reach more children like themselves, who often have even worse problems. They feel a need for better planning and more thinking on a number of issues and they want to achieve all this cheerfully and with enthusiasm.

In this way over the years working children and young people belonging to the MANTHOC have tackled many different problems. Some of them were simple: finding a shoe shine stand for a friend so that he can earn a living, organising locals to remove waste polluting the environment and threatening people's health, or trying to work out services with them, such as health, public transport or education. More challenging actions are also put in hand to find effective solutions to more difficult problems such as schooling and housing for working children or the plight of children working in the streets.

MANTHOC ACTIVITIES

A. Evaluating and deciding

Every MANTHOC group knows they have to think together, fix criteria, discuss, make proposals, e.g. on

- the election of a representative for some activity or event;
- rules to be established by the children;
- yearly action plans to be worked out.

We think this is essential to teach children about their civic duties, to develop their capacity to think, to give them a social conscience and a sense of their rights and obligations.

Children are taught to take big and small decisions and to think about the role of the MANTHOC in the neighbourhood, in school, at work or in the region or the country.

The MANTHOC doesn't just pass on democratic attitudes, it teaches children a sense of political responsibility at their level.

We must not forget that article 12, granting children freedom of opinion, is one of the fundamental provisions of the Convention.

B. Exercising children's rights

All of the Movement's daily activities in the neighbourhood, at work, during meetings, etc. are centred around encouraging children to take initiatives. They give children the experience they need to feel that they are "protagonists", a term working children and young people are not familiar with or even interested in, because the experience comes first, and only afterwards is it given a name.

Society, dominating culture and our daily treatment of children are all a denial of children's status as people: they have no part to play in society because in the West childhood is still exclusively perceived from the point of view of social control. For these children the MANTHOC is the first experience they have of a collective role which often goes beyond the individual role of each child at home, at school or in the street and is therefore fundamental in giving them an awareness of being a person who not only deserves respect but many other things as well, such as social, cultural and public space to state their opinion, make proposals or act.

The Convention is a big step forward in that it acknowledges the child as a person. The MANTHOC however wants to go further. With its small and large scale activities (national meetings, international gatherings in Lima in 1988, Buenos Aires in 1990, and in Guatemala in 1992) the MANTHOC fights to give children real economic and social rights not just in law but in practice in society.

The MANTHOC prefers to talk about: PROTAGONISM-PROMOTION-PARTICIPATION: Working children and young people can participate effectively only if they play the lead, if they are PROTAGONISTS. Through PROMOTION we want the organisation to contribute to bringing about improved prevention and to changing the patronising way we approach PARTICIPATION and legislation. The fight must go on to end the protectionist, pietist and defensive culture which claims to protect children but in reality pushes them aside.

C. Children's identity as productive workers

The name MANTHOC alone already gives children the feeling they are finding their feet , are acquiring a common sense of identity based on their status as productive workers, as economic subjects.

Dominant ideology on childhood apparently succeeds by negating or concealing the existence of this identity, thus denying children social power, and vote.

Through its actions the MANTHOC seeks to give working children self respect by fighting for their recognition as real workers. El Chino Gerson and the "Colegio para vagos" are examples of such actions. Without denying the inhuman nature of working conditions, especially for children, which need changing, the MANTHOC is of the opinion that one of the main battles against current prevailing attitudes to children has to be the battle for recognition of working children and young people as real producers of life. This is why we consider the word "street children" biased and reject it. It reinforces a pathological image of working children and young people and legitimises violence of society and the police towards children who works outside the home or live on the streets.

The subjective power of working child or young person's self-respect is a cornerstone of the Movement.

The Convention lays great stress on the right of the child to an identity, but does so only in a strictly legal or psychological framework: the right to a name, a nationality. In the context of work, it only refers to the right to protection. In other words, being a worker is not regarded as a basis for SOCIAL IDENTITY for the child. See annexes for more details.

THE CONVENTION

There are 4 parts to the Convention which the MANTHOC considers real progress, and to be continued.

a. To be considered a person and to have legal rights, one needs social power and a recognised SOCIAL ROLE. Therefore society's dominant culture, which stresses the importance of adulthood, will have to be changed.

b. The recognition of freedom of opinion is not just a tactical concession or a formality; it has to have the moral and political importance the Convention attaches to it in law and in all spheres of life.

c. Work is not just the inheritance of poor children, but of all children and human beings according to their capacities. Fighting against exploitation goes hand in hand with recognising work as a right which needs protecting.

d. Freedom of association in its various forms needs to be stressed even more. In our view association plays a central part in all policies of prevention or protection.

We should like to conclude by pointing out that MANTHOC, while organising young workers in Peru, has succeeded in having working children's appeal for recognition of the Right to Work included in the new Code on Children and Adolescents, D.L.26102. This appeal was made at its last national meeting in August, 1992, and the code was adopted in December of the same year. Article 22 in fact indicates that "the State recognises the adolescent's right to work ..." It is possibly the first legislation to move in that direction. The reaction of some parts of society, but more particularly the angry reaction from some spheres in the ILO, clearly show that we are involved in a lengthy process of debate to overcome prevailing attitudes.

The working children and young people, within MANTHOC, continue to set store by dignity, love of life, and the pleasure to be derived from of fighting for others.

ANNEX 1

MANTHOC's activities and actions relating to the rights of children

MANTHOC has always paid special attention to and participated in, legal, formal, and institutional structures involved in promotion of the rights of children. Nonetheless, it perceives this area to be complementary to others, without which an affirmation of rights becomes a simple declaration of principle. This is why MANTHOC has never emerged or defined itself as an institution which directly deals with legal normalisation of the rights of children since it feels that legal discourse must presuppose social practice, without which a moralising and welfare-style legal system develops.

MANTHOC, as a movement for child workers, aims primarily at facilitating the creation of areas where such children can effectively interact in social, daily and community activities, as well as on a broader and more strategic plan.

Helping children to organise; developing their ability to confront problems and produce results; assisting them in developing another role with respect to family, com-

munity and society; attaching value to their identities as producers and workers; converting their social invisibility into the construction of a new critical ideology of infancy; developing other forms of awareness; gradually helping local children to construct a sense of identity and teaching them how to interact with others as well as forging tools to defend themselves and enrich their lives.

All this has no apparent direct link with the subject of rights in the strict sense, as reflected in texts, laws or international declarations including the Convention itself. But we feel that this is approach we must take to ensure that legal discourse is not maintained out of a sense of moral duty or humanitarianism, but rather that it is sustained and rooted in simultaneous and converging social and historical processes.

It might, then, seem that MANTHOC is only indirectly involved in the struggle for the rights of children. Nonetheless, that is not the case. Appreciating the work of a child, stimulating young people into self organisation, fighting against an elitist and racist culture – all this is working towards children's rights, and is perhaps much more effective than many high-sounding declarations.

This ability to combine the micro and macro levels: small actions as well as a demand on a larger scale; the sphere of daily awareness as well as the political sphere; the moment of survival as well as the time required for long-term projects all this is what MANTHOC aims at, trying to progressively strengthen the interaction of children themselves at all these levels.

The most important ideas on the participation of children

It is not simply a question of participation but rather of self organisation and self management by children. It is a question of interaction and the power children have to exercise their rights.

Recommendations:

a) The Convention on the Rights of the Child should not become rigid and institutionalised like States, governments and international bodies. The Convention should become a flexible and dynamic tool, truly connected to people and society, and particularly to children's organisations. Otherwise, the Convention will remain a matter for experts and officials, when in fact it needs to establish a special relationship with the holders of those rights, in their social and organisational context.

b) This presupposes a political will to break with certain illusions of fictitious ecumenism. We seems all to agree on one thing in the area of children's rights – this must be an area without contradictions and conflicts of interest. But that is not the way it is. It is easy to say that we are against children dying of hunger. But are we all ready to denounce those perverse mechanisms which create debt, the insensitivity of certain economic policies and even the inhuman international economic order or the current neoliberal political culture?

We have to look for political and ethical clarity in order to establish the premises for a debate on the rights of children; we must be clear on the points of reference for this battle when even organisations representing the oppressed, or institutional offices, are in fact acting against the interests of the young.

ANNEX 2

The convention: saluting the flag?

As our grandmothers used to say, the road to hell is paved with good intentions. We can paraphrase them as we painfully recognise that the road to the violation of human rights is paved with sound constitutional precepts and international standards and laws. Is this convention one more paving stone on this macabre road?

It is not enough to affirm and ratify

Peru signed and ratified the Convention. The obligation to transpose and adopt national laws and standards and the State's obligation to comply come into force thirty days after the 20th country deposits its instrument of ratification.

Only then will Peru's signature cease to be a mere hieroglyph with no practical meaning or obligation.

These steps are all necessary but insufficient since in these last few years the state has not shown any political will to change practices which violate human rights, despite the denunciations and large numbers of people fleeing the country.

A starting point

The Convention is a new starting point in many ways. It will not only influence public opinion, but will also clarify and expand any existing legislation which explicitly or implicitly refers to children.

The Convention is the result of ten years of intense work in which countries like ours had almost no part, but like any other process involving the meeting of different and even opposing realities, there is some good in it and some bad.

The definition of a child contained in the Convention (Art. 1) is a conventional definition for legal purposes – no thirteen year old would like to be considered a child in daily life – but it is a step forward. Article 5 in fact states that all efforts at guidance must be aimed at helping "the child exercise his rights." This is fundamental. Parents, the community and the extended family do not replace the child's right to actively exercise his rights and participate in the struggle to assert them.

A child will only manage to be a member of society and a citizen in practice, fully exercising his rights, to the extent that society recognises him as such and helps him.

This is why Article 12 insists on such a fundamental and important right for the child – that of having an opinion, of saying what he thinks and having his opinion taken into consideration. Since we are talking about children, this should in no way be construed as a formality. Paragraph 2 of the same article refers to providing an opportunity but this should in no way weaken the obligation in Paragraph 1 which refers to "the right to..." The family, school and society, and not just judges, are under a moral imperative to take the child's opinions and feelings into consideration. This concept of the child as an active agent is reaffirmed in Article 23 when it indicates that everything done for handicapped children should promote their active participation in the community. That is to say, as citizens.

Considering a child as an active agent in the exercise of his rights should lead to reconsideration of the role of children in society, particularly the role of those who are an economic, social and political power that we cannot ignore just because of their age or their daily struggle to survive.

A whiff of protectionism

The international community is anxious to provide the protection necessary to guarantee the survival of millions of children in the world living in dramatic situations. Protection from extreme situations is the duty of the State and any concerned person. But not all children are at equal risk.

The natural consequence of this concept of the child as an entity capable of exercising his rights is the development of a system of standards based on promotion, development, participation, initiative, organisation, solidarity, etc. for children. This is the best way of guaranteeing protection for more than just those whose physical or mental existence is threatened from infancy.

The Convention has a generally protectionist approach that is not sufficiently linked to real promotion of the child as a citizen. The child continues to be seen more as a problem than as social potential. It is often said that a child lacks physical and mental maturity This may be so physically but the second point is a questionable generalisation. It is also often explicitly or implicitly stated that children in developing countries are worse off than children in the developed countries. Yes and no.

In our opinion, Article 15, which refers to freedom of association and the right to hold peaceful meetings, can only be interpreted as concessionary and permissive. Not one word refers to organisation, or emphasises the importance to a child of having his own opinions on what concerns him and on his active participation in society in order to fully develop. Organising as a specific protective strategy is ignored.

Moreover, Paragraph 2 of the same article ends by guaranteeing what is already established by law, which in the Peruvian case restricts and prohibits minors from participating in unions. These comings and goings in the text of the Convention are basically the result of conceptual conflicts and concessions made to achieve a broader consensus.

Implementation

Implementation is first of all a political question, a question of social strength and cultural pressure rather than legislative or interpretative analysis or an attempt to harmonise standards or reorder the legal system.

We have to begin, therefore, with those social and political actors who will or will not enforce or apply a law or a standard. We mean implementation therefore not in the abstract sense but rather whether the law as worded can or cannot adapt to the dynamic, historical or political context. In other words, whether social forces are organisationally and practically aware and able to allow implementation or compliance with the laws or changes in them.

The State's lukewarm and weak interest in participating in drafting, adopting and

ratifying the Convention is very revealing in the current context of criticism and controversy about Judicial Power. This reflects the scepticism of the population and its loss of faith in the administration of justice and political intervention.

Throughout these long years of war, 30.000 people have died or are missing – but the ones we know least about are the hundreds of children and young people murdered. There are no exact figures or names. The fact that those responsible remain unpunished is partially a responsibility we all share. The Convention creates a new legal framework for human rights organisations to bring these indescribable cases of murder of children, like in Accosmarka and Los Molinos, before the international courts of justice. The current barbarity of the enemy does not transform these crimes against infants into heroic acts.

Implementation more than ever depends on society's ability to act against those things threatening physical, spiritual and cultural survival. More importantly, it depends on its ability to act against those things which change its nature by preventing the growth of humanitarianism.

This process of implementation, as stipulated by the Convention with respect to our legal system, is not the exclusive responsibility of jurists and parliamentarians, however.

All the grass roots organisations – non-governmental organisations, union organisations, etc. – are required to actively participate. It's the first step towards involving society in the struggle for participation.

Saluting the flag

We are dealing here with what those in the know call third generation rights (careful – not third class!) and progressive implementation and perhaps in our case this is correct. But some of the articles include superfluous expressions which might be taken to legitimise non-compliance in the end, simply because the very same provisions are repeated ad infinitum, and thus becoming a meaningless salute to the flag.

This is the case with Article 4 which is one of the most self-contradictory and subjects everything it stipulates to: "'according to the available resources..."; this is repeated in Article 23, paragraph 2: "....subject to the available resources"; in Article 6, Paragraph 2: "the State Party will guarantee to the extent possible..." We wish to recall that the distribution of available resources, of the nation's budgetary resources, results from a conjunction of forces whereby priorities and proportions are determined from within the state apparatus.

Expressions like those in Article 4, 23 can lead to facile excuses, such as the inability to overcome inequality amd scarce resources, and international co-operation as an escape route for the State..

Article 43 provides for the creation of a Committee to promote and evaluate implementation of the Convention. Will the current economic crisis of the UN provide the Committee with the necessary resources? Would it not have been better to set up a special section for implementation of the Convention within the United Nations Commission on Human Rights which already has operational capacity and has thus acquired a place in the international arena?

In any case, the Committee must further define the scope of its functions and ability to intervene.

Finally, the Convention asserts emphatically that the guiding principle in understanding and resolving a given situation is the higher interests of children. We feel that the higher interests of all children lie in what is stated by the Constitution in its first Article in different words: the child must be seen as a person, as a part of society like any other citizen of this country.

The Constitution has placed before us the unavoidable challenge of helping to organise protest and moral pressure to accompany the difficult but not impossible task of implementing and safeguarding the rights of children in our country.

Alejandro CUSSIANOVICH

23.10.90

ANNEX 3

MIDADEN: a children's movement

1. Accessible, run by children
   - where children's natural dynamism is harnessed: they organise their games, songs, reflections, activities spontaneously;
   - where children's zest for life is truly appreciated;
   - where children are helped to organise their activities so that they can influence their world and sustain active involvement in it;
   - where children participate in decision-making in the Movement, Society and the Church.

2. An educational theory based on action to generate change

They do what is needed to get:
- a place to play
- a library to read in
- water for their neighbourhood to grow vegetables to feed the hungry

and to create a co-operative in order to buy books.

MIDADEN philosophy is founded on children forming their own groups to work together in generating change.

The children first identify the cause of the problems and only then do they take action. In this way, they learn something about themselves and the world, at the same time discovering their own potential and abilities.

3. Rooted in the life of the people

These children's actions take place in a world where the people of the world are on the move ... playing their part in fashioning their history.

Children want to be involved along with teenagers and adults in the struggle to create

a new World, a world of love, justice and peace. They want to be part of the culture of their people.

4. A place for children to share experiences

Communication is an absolute prerequisite for living. Children and their companions live and exchange ideas at national, regional and international levels.

This life and these actions are made more meaningful for the children within their respective groups. These reflections can help create solidarity among all children of the world.

5. An evangelical movement

In the Movement, children develop and express their faith on the basis of their own experiences and the situations they live in. They live and reveal Jesus Christ to one another.

A child worker prayed:

"Lord, forgive those who exploit us. Help them to be less selfish."

Others say:

"We discuss our problems and our actions. Jesus Christ is our starting point."

They are conscious that they are building the Kingdom of God and discovering how the spirit of Jesus Christ is acting through them and through their actions...

"We hope that the whole world will share with others, with those in need, with the weak, with the homeless."

Together these children seek the means to participate in society and in the Church

MIDADEN bases its actions on the following convictions:

The child
- The child today is a person.
- Children are capable of self organisation.
- All children have a role to play in society and, as Christians, actively participate in the Church
- Children carry the gospel to the world.
- Playing is a vital activity for children.

The movement
- It is a Movement for children
- It is a Movement for all children
- It is an Evangelical Movement.

Organisation

The children organise themselves in groups at the basic level: in the neighbourhood, the parish, school. The children are generally already organised in groups before entering the Movement.

The Movement is organised at the local, diocesan, national and international level in order to maintain these structures.

All the member state of MIDADEN meet every four years in a General Assembly in order to review the guidelines.

The MIDADEN foundation

MIDADEN was founded as an INTERNATIONAL MOVEMENT in July, 1962. Prior to that, all existing national movements were co-ordinated by an INTERNATIONAL COMMITTEE. This paved the way for MIDADEN.

Almost all the Movements that formed MIDADEN at that time were the result of the experiences passed on by French missionaries from the French Movement "COEURS VAILLANTS – AMES VAILLANTES" (Brave Hearts – Brave Souls).

MIDADEN's existence has been profoundly affected by the General Assemblies that have taken place every four years since its foundation: Paris (1962), Rome (1966), Monaco (1970), Yaounde (1974), El Escorial (1978), Olinda (1982), Canary Islands (1986), Kitwe – Zambia (1990); next: Lourdes (1994).

Today, MIDADEN is active in 53 countries throughout the world.

Its status

MIDADEN is recognised by the Vatican as an International Catholic Organisation. It is thereby a member of the Conference of International Catholic Organisations (OIC).

As a non-governmental organisation, MIDADEN has consultant status in the ECOSOC, UNICEF and the ILO.

Member countries of MIDADEN

- Africa:
  Benin, Burkina-Faso, Cameroon, Central African Republic, Chad, Congo, Gabon, Ivory Coast, Mali, Senegal, Togo
- American continent:
  Brazil, Canada, Chile, Mexico, Peru, Uruguay, Venezuela, Colombia, Paraguay
- Antilles:
  Guadeloupe
- Asia:
  Hong-Kong, Japan, Malaysia, Singapore, Sri Lanka, Thailand
- Europe:
  France, Italy, Portugal, Spain, Switzerland, Ireland
- Middle East:
  Egypt, Jordan, Lebanon, Syria
- Indian Ocean:
  Madagascar, Mauritius, Reunion Island, Rodriguez Island, the Seychelles

Observer countries

Mozambique, South Africa, Zambia, Panama, Haïti, Martinica, South Korea, Nigeria, Ecuador, Guinée Conakry, Guinée Equatoriale

Bolivia, Columbia, the United States, Venezuela
Belgium, Ireland

MIDADEN publications

An Information and Liaison Magazine: "Children in Movement"

Please address all requests for information to:

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8, rue Duguay-Trouin
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(Tel: 42.22.84.81; Fax: 42.22.72.43))

MIDADEN:

International children's evangelical movement

"We want everyone to share with others, with those in need, with the weak and the poor."

Nous voulons que tout le monde partage avec les autres, avec ceux qui ont besoin, avec les faibles et avec les pauvres
MESSAGE

(dessin réalisé par des enfants)

A movement open to all children and in their hands
- where they act,
- where they exchange their experiences,
- where they take root in the lives of their people,
- where they share their faith.

An evangelical movement

THE UNITED NATIONS OF YOUTH

Jeroen KEPPENS

Before our very eyes, women have changed – they are no longer concubines, but human beings. For centuries they accepted the role imposed upon them. For centuries they embodied a character created by the arbitrary selfishness of men. Men refused to acknowledge working women in society, just as now they refuse to acknowledge the contribution of children. The child has as yet not spoken out, it is still listening. These are the words of Janusz KORCZAK, a Polish educator, spoken at the beginning of this century. "And the silence goes on, despite all the talk of children becoming assertive", says Professor VERHELLEN in "The Convention on the Rights of the Child, a strategic step towards respect for children". But, as a minor, myself, I know from experience that this so-called assertiveness is not always quite the true story, certainly not in the "grown-up world".

I am well aware that, to become genuinely assertive, children need all the help they can get from adults. That is why I would like to thank the organisers of this seminar for giving children a chance to speak at this stage in the implementation of the rights of the child.

In order to draw together information on a range of different experiences, I have been asked to structure my text as follows:

1. A description of the project: the United Nations of Youth, what does it do? What view does it take on traditional attitudes to children and on recent changes.
2. What are our most important conclusions on children's participation?
3. How do our work and initiatives fit into the Convention as a whole?
4. What can we do to bring about quality reporting on implementation of the Convention?

1. THE PROJECT

1.1. What is the UNOY?

As the name implies, the United Nations of Youth is meant to be a parallel organisation to the United Nations, but in our case made up of young people. The UNOY is an organisation of national networks and groupings who work together on the basis of a provisional charter adopted when the organisation was set up in June 1989. Let me quote the charter to explain the aim of the UNOY.

"The United Nations of Youth is an international organisation of universal character, formed by youth, working together positively, and collaborating with like minded persons and organisations". Words which speak for themselves. The UNOY is not an island sufficient unto itself. It is an association which is governed exclusively by

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young people. not , though, designed to pay back the adult-egocentrics by providing a forum for child-egocentrics. Adults do have a role to play in organisations of young people. They have an invaluable stock of experience to offer. That is why they can join the UNOY as Advisory members. And not just adults but also other organisations and associations can work together with the UNOY too.

"The UNOY aims to uphold the aspirations of the world, by responding to these aspirations both individually and collectively. The action and the practical work done by the UNOY must in deed relate to its goals; and this process should be seen as a conscious aim of the United Nations of Youth". Like the UN, the UNOY sets itself the ambitious task of dealing with practically all aspects of human life. It goes without saying that an organisation of young people which has only been in existence for 2 years, cannot hope to do as much as the enormous UN structure with its staff of 45000 and contributions from 159 countries. But the UNOY does have its part to play. "Therefore the UNOY sees its role as a means of empowering youth to become generators of positive change in the world". The UNOY sees itself as a means of encouraging young people to take a stand against things which go wrong in the world, working through our organisation or together with others.

Our provisional charter goes on to say that: "We believe that every human being is totally and fully accepted as they are and as they dream to be. All goals and aspirations of humanity as a whole, belong to everybody, because everyone is part of the human circle of life. Therefore the UNOY aims to expand the awareness of such goals and aspirations. All problems will be dealt with at their source, recognising a true enlightened education as a key".

The United Nations of Youth "bring together" young people of all races, cultures and creeds to get to know each other and each other's ideas in order to help build a future for the young people of today, the adults of tomorrow. The UNOY's educational work is aimed at achieving a greater feeling of community in young people from different continents and cultures.

1.2 The setting up of the UNOY, its organisation and the means at its disposal

The UNOY came about at the initiative of Nikolai FIRTOLBINE, a former UN staff member, and was founded in June 1989 in Handel, a small town in the Netherlands. At the moment, the UNOY has an international network of mainly small and some medium-sized sections spread evenly over the 5 (inhabited) continents. Medium size sections are those which already have a certain position in a given country because of the number of members and because of how much they do and how well they do it. Given the geographical coverage of the UNOY we can safely claim that all the major cultures and religions of the world are represented.

The organisation as a whole is managed by an international board which works together with the international secretariat. The national sections have a good deal of leeway in how they manage their affairs, to enable them to adapt to local conditions.

The UNOY, and in this it differs from the UN, has no fixed source of income. It depends exclusively on sponsorship. This is a problem, especially in the poorer

countries. But even in the richer countries where the age limit for young UNOY members is low, this causes considerable difficulties.

1.3. How do our work and activities fit in with the traditional attitudes to children, and with recent changes?

The UNOY is an organisation which, in principle, is run exclusively by children. Adults have an advisory role, but they cannot vote, and they cannot take decisions on behalf of the organisation. In other words, the UNOY is diametrically opposed to the view that children, or in this case young people, are in some way incapable of running their affairs, or just not ready.

The United Nations of Youth was founded in 1989 on the principles of the Convention on the Rights of the Child and particularly article 12:

> *"1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and the maturity of the child."*
>
> *"2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law."*

The United Nations of Youth is of the opinion that point 1 of this article should be looked at in a wider context and that therefore its application should not be limited to legal or administrative procedures. There are many more things in life which involve children. Without wishing to be radical, we think that in a number of cases young people should be involved, albeit in a limited fashion, in the political affairs of a country.

So much for the UNOY: I have described its aim, and from theory I moved on to its practical organisation. Finally, I told you how our work and activities fit in with traditional attitudes to children and recent changes in the field.

2. OUR MAIN CONCLUSIONS ABOUT CHILDREN'S PARTICIPATION

Our experience, the experience of young people and of our adult advisory members, with the management of the organisation by children and young people and their participation has in general been very positive.

On the other hand, society has shown some reluctance to accept our basic concept. There is a lot of stereotyping which means that actions undertaken by young people are not taken seriously. Most of our local sections have experienced problems of this type.

Moreover, there are often legal problems for organisations run exclusively by children, and hence also for the UNOY. The UN Convention on the Rights of the Child establishes that children have freedom of association. Article 15 says:

"1. States Parties recognise the rights of the child to freedom of association and to freedom of peaceful assembly.

2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others." And yet in Belgium, and in many other countries, there is no official structure, like a Non Profit Making Association, bringing children together, which causes a whole series of problems with for instance sponsoring (limitations on tax deductions, etc.).

Because of this, and because of the situation within the UNOY (major age differences in those running the organisation: ages range from 17 to over 30) over the last 2 years (since the seminars) there has been a wide debate in the organisation on the notion of "young people". In most sections of the Western industrialised world the age limit was 25. In most other countries you had to be under 30 to be counted as a young person and to become a full UNOY member. A number of sections felt the UNOY age limit had to coincide with their national age of majority. The former Dutch and Belgian sections therefore set 18 as the limit. In the meantime these sections have stopped their activities. As the former Belgian section put it: "If the most important characteristic of the activities of our section is not accepted, it is better to stop, and to leave these activities to all those other organisations which can carry them out more efficiently."

Today 30 is the age limit for all sections. There are still some people who do not meet this criterion, but still hold important positions in the running of the organisation. Over the last 2 years the UNOY has been less insistent on the organisation being run just by young people in the interest of efficiency, because it was felt to be (too???) difficult for young people to look after their own interests on such a large scale.

Apparently this is much more feasible on a smaller scale. The United Nations of Youth attracts many different people interested and with views on the affairs of the world. Professor Verhellen writes: "From Jean Piaget's experiments we know that even very young children have basic intellectual and moral capacities and from the age of 12 they are capable of making complex decisions. From then on it is in fact extremely difficult to make a qualitative distinction between adults and children." Our experience has taught us the same thing. Very often we notice that there are problems which children approach more objectively than adults, and that they are prepared to take a more critical approach to society because they are independent, and less dominated by e.g. political parties, companies, institutions, etc.

3. HOW DO OUR ACTIVITIES AND INITIATIVES FIT INTO THE OVERALL CONTEXT OF THE CONVENTION?

The UNOY is firmly and consistently in favour of ratification and implementation of the Convention on the Rights of the Child. It goes without saying, then, that the UNOY also undertakes a number of activities to promote the rights of the child. Such

activities are aimed at increasing public awareness of these issues, but there are also some smaller scale initiatives directed specifically at our own members.

Because the UNOY doesn't have the means to finance large scale campaigns, when necessary, it works together with other organisations. In 1990 when it was decided to use candle lights vigils to influence delegates to the World Summit for Children, the UNOY entrusted co-ordination of their country's contribution to this huge project to a number of its national sections. Without larger organisations like Foster Parents Plan this would have been unthinkable.

But the organisation's own activities are even more important. In 1.1 UNOY's educational side was mentioned. Among other things the UNOY disseminates information on the Convention. It aims to achieve a sense of international cohesion amongst its members. This international solidarity is then channelled into its various activities, such as those designed to help overcome the miserable conditions of certain groups of children such as street children in Brazil or India. In activities like these the Convention on the Rights of the Child is the inspiration for our work.

But the United Nations of Youth does not just see itself as a children's rights organisation. The UNOY wants to be a mouthpiece, an instrument, for young people. For the UNOY the Convention is only one aspect of being a child or a young person.

4. RECOMMENDATIONS ON HOW TO ACHIEVE HIGH QUALITY REPORTING ON IMPLEMENTATION OF THE CONVENTION

As a youth organisation we advocate involving children in monitoring implementation of the Convention. We need to know and keep asking how children feel about their situation. So any monitoring structure which might have to be set up, could, for example, be made accessible to children.

If children are to do the job of acting as critical observers properly, they must know and understand the UN Convention on the Rights of the Child... Monitoring should take place through dialogue with the subject (and not the object) of the Convention. There must be two-way traffic. Disseminating ideas on the concept of "rights of the child", could well be one of the tasks entrusted to a monitoring body.

Ideally, children must be able to compare their experiences with those of children from other countries, to broaden their outlook on problems attending the implementation problems of the rights of the child. This will ,however ,probably not be feasible in practice. Leaders of the different countries will probably prefer to use their budgets to hold "summits" for themselves.

Children's representation must be more than a token gesture. However bringing about real representation of children will not be easy. We know from experience that the stereotype of children unable to look after themselves is deeply rooted in society. If there is no change in the attitude of adults towards children stereotyping will go on being a self-fulfilling prophecy.

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